

**SB3069**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB3069**

Introduced 2/15/2018, by Sen. Julie A. Morrison

**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.

LRB100 18001 MJP 33188 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 Recycling  
13 not transferred to the Environmental Protection Agency by  
14 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 Act  
23 provides for the membership of the Department of Commerce  
24 and Economic Opportunity on any council, commission,

1 board, or other entity in relation to any function of the  
2 Office of Energy and Recycling transferred to the  
3 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 that  
19 are engaged in the performance of functions of the Office of  
20 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 for  
24 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 Agency,  
7 the same shall instead be made, given, furnished, or served in  
8 the same manner to or upon the Environmental Protection Agency.

9           Section 45. Rules.

10           (a) Any rules that (1) relate to the functions of the  
11 Office of Energy and Recycling transferred to the Environmental  
12 Protection Agency by this Act, (2) are in full force on the  
13 effective date of Executive Order 3 (2017), and (3) have been  
14 duly adopted by the Department of Commerce and Economic  
15 Opportunity shall become the rules of the Environmental  
16 Protection Agency. This Act does not affect the legality of any  
17 such rules in the Illinois Administrative Code.

18           (b) Any proposed rule filed with the Secretary of State by  
19 the Department of Commerce and Economic Opportunity that  
20 pertains to the functions of the Office of Energy and Recycling  
21 transferred to the Environmental Protection Agency by this Act,  
22 and that is pending in the rulemaking process on the effective  
23 date of Executive Order 3 (2017) shall be deemed to have been  
24 filed by the Environmental Protection Agency.

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

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

13           Section 55. Acts and actions unaffected by transfer.

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

19           This Act does not affect any action or proceeding had or  
20 commenced before the effective date of Executive Order 3 (2017)  
21 in an administrative, civil, or criminal cause regarding a  
22 function of the Office of Energy and Recycling transferred from  
23 the Department of Commerce and Economic Opportunity, but any  
24 such action or proceeding may be defended, prosecuted, or

1 continued by the Environmental Protection Agency.

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

11 Section 900. The Electric Vehicle Act is amended by  
12 changing Sections 15 and 20 as follows:

13 (20 ILCS 627/15)

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

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

22 (20 ILCS 627/20)



1           Sec. 20. Electric vehicle advisory council.

2           (a) There is created the Illinois Electric Vehicle Advisory  
3 Council. The Council shall investigate and recommend  
4 strategies that the Governor and the General Assembly may  
5 implement to promote the use of electric vehicles, including,  
6 but not limited to, potential infrastructure improvements,  
7 State and local regulatory streamlining, and changes to  
8 electric utility rates and tariffs.

9           (b) The Council shall include all of the following members:

10           (1) The Electric Vehicle Coordinator to serve as  
11 chairperson.

12           (2) Four members of the General Assembly, one appointed  
13 by the Speaker of the House of Representatives, one  
14 appointed by the Minority Leader of the House of  
15 Representatives, one appointed by the President of the  
16 Senate, and one appointed by the Minority Leader of the  
17 Senate.

18           (3) (Blank). ~~The Director of Commerce and Economic~~  
19 ~~Opportunity or his or her designee.~~

20           (4) The Director of the Environmental Protection  
21 Agency or his or her designee.

22           (5) The Executive Director of the Illinois Commerce  
23 Commission or his or her designee.

24           (6) The Secretary of the Illinois Department of  
25 Transportation or his or her designee.

26           (7) Ten at-large members appointed by the Governor as

1 follows:

2 (A) two representatives of statewide environmental  
3 organizations;

4 (B) two representatives of national or regional  
5 environmental organizations;

6 (C) one representative of a nonprofit car-sharing  
7 organization;

8 (D) two representatives of automobile  
9 manufacturers;

10 (E) one representative of the City of Chicago; and

11 (F) two representatives of electric utilities.

12 (c) The Council shall report its findings to the Governor  
13 and General Assembly by December 31, 2011.

14 (d) The Environmental Protection Agency ~~Department of~~  
15 ~~Commerce and Economic Opportunity~~ shall provide administrative  
16 and other support to the Council.

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

18 Section 905. The Renewable Energy, Energy Efficiency, and  
19 Coal Resources Development Law of 1997 is amended by changing  
20 Sections 6-3, 6-4, 6-5, 6-5.5, and 6-6 as follows:

21 (20 ILCS 687/6-3)

22 (Section scheduled to be repealed on December 31, 2020)

23 Sec. 6-3. Renewable energy resources program.

24 (a) The Environmental Protection Agency ~~Department of~~

1 ~~Commerce and Economic Opportunity~~, to be called the "Agency"  
2 "~~Department~~" hereinafter in this Law, shall administer the  
3 Renewable Energy Resources Program to provide grants, loans,  
4 and other incentives to foster investment in and the  
5 development and use of renewable energy resources.

6 (b) The Agency may, by administrative rule, ~~Department~~  
7 ~~shall~~ establish and adjust eligibility criteria for grants,  
8 loans, and other incentives to foster investment in and the  
9 development and use of renewable energy resources. ~~These~~  
10 ~~criteria shall be reviewed annually and adjusted as necessary.~~  
11 The criteria should promote the goal of fostering investment in  
12 and the development and use, in Illinois, of renewable energy  
13 resources.

14 (c) The Agency may ~~Department shall~~ accept applications for  
15 grants, loans, and other incentives to foster investment in and  
16 the development and use of renewable energy resources.

17 (d) To the extent that funds are available and  
18 appropriated, the Agency ~~Department~~ shall provide grants,  
19 loans, and other incentives to applicants that meet the  
20 criteria specified by the Agency ~~Department~~.

21 (e) (Blank). ~~The Department shall conduct an annual study~~  
22 ~~on the use and availability of renewable energy resources in~~  
23 ~~Illinois. Each year, the Department shall submit a report on~~  
24 ~~the study to the General Assembly. This report shall include~~  
25 ~~suggestions for legislation which will encourage the~~  
26 ~~development and use of renewable energy resources.~~

1 (f) As used in this Law, "renewable energy resources"  
2 includes energy from wind, solar thermal energy, photovoltaic  
3 cells and panels, dedicated crops grown for energy production  
4 and organic waste biomass, hydropower that does not involve new  
5 construction or significant expansion of hydropower dams, and  
6 other such alternative sources of environmentally preferable  
7 energy. "Renewable energy resources" does not include,  
8 however, energy from the incineration or burning of waste wood,  
9 tires, garbage, general household, institutional and  
10 commercial waste, industrial lunchroom or office waste,  
11 landscape waste, or construction or demolition debris.

12 (g) There is created the Energy Efficiency Investment Fund  
13 as a special fund in the State Treasury, to be administered by  
14 the Agency ~~Department~~ to support the development of  
15 technologies for wind, biomass, and solar power in Illinois.  
16 The Agency ~~Department~~ may accept private and public funds,  
17 including federal funds, for deposit into the Fund.

18 (Source: P.A. 94-793, eff. 5-19-06; 95-913, eff. 1-1-09.)

19 (20 ILCS 687/6-4)

20 (Section scheduled to be repealed on December 31, 2020)

21 Sec. 6-4. Renewable Energy Resources Trust Fund.

22 (a) A fund to be called the Renewable Energy Resources  
23 Trust Fund is hereby established in the State Treasury.

24 (b) The Renewable Energy Resources Trust Fund shall be  
25 administered by the Agency ~~Department~~ to provide grants, loans,

1 and other incentives to foster investment in and the  
2 development and use of renewable energy resources as provided  
3 in Section 6-3 of this Law or pursuant to the Illinois  
4 Renewable Fuels Development Program Act.

5 (c) All funds used by the Agency ~~Department~~ for the  
6 Renewable Energy Resources Program shall be subject to  
7 appropriation by the General Assembly.

8 (Source: P.A. 94-839, eff. 6-6-06.)

9 (20 ILCS 687/6-5)

10 (Section scheduled to be repealed on December 31, 2020)

11 Sec. 6-5. Renewable Energy Resources and Coal Technology  
12 Development Assistance Charge.

13 (a) Notwithstanding the provisions of Section 16-111 of the  
14 Public Utilities Act but subject to subsection (e) of this  
15 Section, each public utility, electric cooperative, as defined  
16 in Section 3.4 of the Electric Supplier Act, and municipal  
17 utility, as referenced in Section 3-105 of the Public Utilities  
18 Act, that is engaged in the delivery of electricity or the  
19 distribution of natural gas within the State of Illinois shall,  
20 effective January 1, 1998, assess each of its customer accounts  
21 a monthly Renewable Energy Resources and Coal Technology  
22 Development Assistance Charge. The delivering public utility,  
23 municipal electric or gas utility, or electric or gas  
24 cooperative for a self-assessing purchaser remains subject to  
25 the collection of the fee imposed by this Section. The monthly

1 charge shall be as follows:

2 (1) \$0.05 per month on each account for residential  
3 electric service as defined in Section 13 of the Energy  
4 Assistance Act;

5 (2) \$0.05 per month on each account for residential gas  
6 service as defined in Section 13 of the Energy Assistance  
7 Act;

8 (3) \$0.50 per month on each account for nonresidential  
9 electric service, as defined in Section 13 of the Energy  
10 Assistance Act, which had less than 10 megawatts of peak  
11 demand during the previous calendar year;

12 (4) \$0.50 per month on each account for nonresidential  
13 gas service, as defined in Section 13 of the Energy  
14 Assistance Act, which had distributed to it less than  
15 4,000,000 therms of gas during the previous calendar year;

16 (5) \$37.50 per month on each account for nonresidential  
17 electric service, as defined in Section 13 of the Energy  
18 Assistance Act, which had 10 megawatts or greater of peak  
19 demand during the previous calendar year; and

20 (6) \$37.50 per month on each account for nonresidential  
21 gas service, as defined in Section 13 of the Energy  
22 Assistance Act, which had 4,000,000 or more therms of gas  
23 distributed to it during the previous calendar year.

24 (b) The Renewable Energy Resources and Coal Technology  
25 Development Assistance Charge assessed by electric and gas  
26 public utilities shall be considered a charge for public

1 utility service.

2 (c) Fifty percent of the moneys collected pursuant to this  
3 Section shall be deposited in the Renewable Energy Resources  
4 Trust Fund by the Department of Revenue. From those funds,  
5 \$2,000,000 may be used annually by the Environmental Protection  
6 Agency ~~Department~~ to provide grants to the Illinois Green  
7 Economy Network for the purposes of funding education and  
8 training for renewable energy and energy efficiency technology  
9 and for the operation and services of the Illinois Green  
10 Economy Network. The remaining 50 percent of the moneys  
11 collected pursuant to this Section shall be deposited in the  
12 Coal Technology Development Assistance Fund by the Department  
13 of Revenue for the exclusive purposes of (1) capturing or  
14 sequestering carbon emissions produced by coal combustion; (2)  
15 supporting research on the capture and sequestration of carbon  
16 emissions produced by coal combustion; and (3) improving coal  
17 miner safety.

18 (d) By the 20th day of the month following the month in  
19 which the charges imposed by this Section were collected, each  
20 utility and alternative retail electric supplier collecting  
21 charges pursuant to this Section shall remit to the Department  
22 of Revenue for deposit in the Renewable Energy Resources Trust  
23 Fund and the Coal Technology Development Assistance Fund all  
24 moneys received as payment of the charge provided for in this  
25 Section on a return prescribed and furnished by the Department  
26 of Revenue showing such information as the Department of

1 Revenue may reasonably require.

2 (e) The charges imposed by this Section shall only apply to  
3 customers of municipal electric or gas utilities and electric  
4 or gas cooperatives if the municipal electric or gas utility or  
5 electric or gas cooperative makes an affirmative decision to  
6 impose the charge. If a municipal electric or gas utility or an  
7 electric or gas cooperative makes an affirmative decision to  
8 impose the charge provided by this Section, the municipal  
9 electric or gas utility or electric or gas cooperative shall  
10 inform the Department of Revenue in writing of such decision  
11 when it begins to impose the charge. If a municipal electric or  
12 gas utility or electric or gas cooperative does not assess this  
13 charge, its customers shall not be eligible for the Renewable  
14 Energy Resources Program.

15 (f) The Department of Revenue may establish such rules as  
16 it deems necessary to implement this Section.

17 (Source: P.A. 100-402, eff. 8-25-17.)

18 (20 ILCS 687/6-5.5)

19 (Section scheduled to be repealed on December 31, 2020)

20 Sec. 6-5.5. Renewable energy grants.

21 (a) Subject to appropriation, the Agency may ~~Department~~  
22 ~~shall establish and~~ operate a renewable energy grant program to  
23 assist public schools and community colleges with engineering  
24 studies and feasibility studies and in training green economy  
25 technology and in the installation, acquisition, construction,



1 and improvement of renewable energy resources, including  
2 without limitation smart grid technology, solar energy (such as  
3 solar panels), geothermal energy, and wind energy.

4 ~~(b) Application for a grant under this Section must be in~~  
5 ~~the form and manner established by the Department.~~ The schools  
6 and community colleges may accept private funds for their  
7 portion of the cost.

8 (c) The Agency ~~Department~~ may adopt any rules that are  
9 necessary to carry out its responsibilities under this Section.  
10 (Source: P.A. 96-725, eff. 8-25-09; 97-72, eff. 7-1-11.)

11 (20 ILCS 687/6-6)

12 (Section scheduled to be repealed on December 31, 2020)

13 Sec. 6-6. Energy efficiency program.

14 (a) For the year beginning January 1, 1998, and thereafter  
15 as provided in this Section, each electric utility as defined  
16 in Section 3-105 of the Public Utilities Act and each  
17 alternative retail electric supplier as defined in Section  
18 16-102 of the Public Utilities Act supplying electric power and  
19 energy to retail customers located in the State of Illinois  
20 shall contribute annually a pro rata share of a total amount of  
21 \$3,000,000 based upon the number of kilowatt-hours sold by each  
22 such entity in the 12 months preceding the year of  
23 contribution. On or before May 1 of each year, the Illinois  
24 Commerce Commission shall determine and notify the Agency  
25 ~~Department of Commerce and Economic Opportunity~~ of the pro rata

1 share owed by each electric utility and each alternative retail  
2 electric supplier based upon information supplied annually to  
3 the Illinois Commerce Commission. On or before June 1 of each  
4 year, the Agency ~~Department of Commerce and Economic~~  
5 ~~Opportunity~~ shall send written notification to each electric  
6 utility and each alternative retail electric supplier of the  
7 amount of pro rata share they owe. These contributions shall be  
8 remitted to the Department of Revenue on or before June 30 of  
9 each year the contribution is due on a return prescribed and  
10 furnished by the Department of Revenue showing such information  
11 as the Department of Revenue may reasonably require. The funds  
12 received pursuant to this Section shall be subject to the  
13 appropriation of funds by the General Assembly. The Department  
14 of Revenue shall place the funds remitted under this Section in  
15 a trust fund, that is hereby created in the State Treasury,  
16 called the Energy Efficiency Trust Fund. If an electric utility  
17 or alternative retail electric supplier does not remit its pro  
18 rata share to the Department of Revenue, the Department of  
19 Revenue must inform the Illinois Commerce Commission of such  
20 failure. The Illinois Commerce Commission may then revoke the  
21 certification of that electric utility or alternative retail  
22 electric supplier. The Illinois Commerce Commission may not  
23 renew the certification of any electric utility or alternative  
24 retail electric supplier that is delinquent in paying its pro  
25 rata share.

26 (b) The Agency ~~Department of Commerce and Economic~~

1 ~~Opportunity~~ shall disburse the moneys in the Energy Efficiency  
2 Trust Fund to benefit residential electric customers through  
3 projects which the Agency ~~Department of Commerce and Economic~~  
4 ~~Opportunity~~ has determined will promote energy efficiency in  
5 the State of Illinois. The Agency may ~~Department of Commerce~~  
6 ~~and Economic Opportunity shall~~ establish a list of projects  
7 eligible for grants from the Energy Efficiency Trust Fund  
8 including, but not limited to, supporting energy efficiency  
9 efforts for low-income households, replacing energy  
10 inefficient windows with more efficient windows, replacing  
11 energy inefficient appliances with more efficient appliances,  
12 replacing energy inefficient lighting with more efficient  
13 lighting, insulating dwellings and buildings, using market  
14 incentives to encourage energy efficiency, and such other  
15 projects which will increase energy efficiency in homes and  
16 rental properties.

17 (c) The Agency may, by administrative rule, ~~Department of~~  
18 ~~Commerce and Economic Opportunity shall~~ establish criteria and  
19 an application process for this grant program.

20 (d) (Blank). ~~The Department of Commerce and Economic~~  
21 ~~Opportunity shall conduct a study of other possible energy~~  
22 ~~efficiency improvements and evaluate methods for promoting~~  
23 ~~energy efficiency and conservation, especially for the benefit~~  
24 ~~of low income customers.~~

25 (e) (Blank). ~~The Department of Commerce and Economic~~  
26 ~~Opportunity shall submit an annual report to the General~~

1 ~~Assembly evaluating the effectiveness of the projects and~~  
2 ~~programs provided in this Section, and recommending further~~  
3 ~~legislation which will encourage additional development and~~  
4 ~~implementation of energy efficiency projects and programs in~~  
5 ~~Illinois and other actions that help to meet the goals of this~~  
6 ~~Section.~~

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

8 Section 910. The Illinois Renewable Fuels Development  
9 Program Act is amended by changing Sections 5, 10, 15, 25, and  
10 30 as follows:

11 (20 ILCS 689/5)

12 Sec. 5. Findings and State policy. The General Assembly  
13 recognizes that agriculture is a vital sector of the Illinois  
14 economy and that an important growth industry for the Illinois  
15 agricultural sector is renewable fuels production. Renewable  
16 fuels produced from Illinois agricultural products hold great  
17 potential for growing the State's economy, reducing our  
18 dependence on foreign oil supplies, and improving the  
19 environment by reducing harmful emissions from vehicles.  
20 Illinois is the nation's leading producer of ethanol, a clean,  
21 renewable fuel with significant environmental benefits. The  
22 General Assembly finds that reliable supplies of renewable  
23 fuels will be integral to the long term energy security of the  
24 United States. The General Assembly declares that it is the

1 public policy of the State of Illinois to promote and encourage  
2 the production and use of renewable fuels as a means not only  
3 to improve air quality in the State and the nation, but also to  
4 grow the agricultural sector of the Illinois economy. To  
5 achieve these public policy objectives, the General Assembly  
6 hereby authorizes the creation and implementation of the  
7 Illinois Renewable Fuels Development Program within the Agency  
8 ~~Department~~.

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

10 (20 ILCS 689/10)

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

12 "Agency" means the Environmental Protection Agency.

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

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

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

21 ~~"Department" means the Department of Commerce and Economic~~  
22 ~~Opportunity.~~

23 "Diesel fuel" means any product intended for use or offered  
24 for sale as a fuel for engines in which the fuel is injected  
25 into the combustion chamber and ignited by pressure without

1 electric spark.

2 "Director" means the Director of the Agency ~~Commerce and~~  
3 ~~Economic Opportunity~~.

4 "Ethanol" means a product produced from agricultural  
5 commodities or by-products used as a fuel or to be blended with  
6 other fuels for use in motor vehicles.

7 "Fuel" means fuel as defined in Section 1.19 of the Motor  
8 Fuel Tax Law.

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

12 "Gasoline" means all products commonly or commercially  
13 known or sold as gasoline (including casing head and absorption  
14 or natural gasoline).

15 "Illinois agricultural product" means any agricultural  
16 commodity grown in Illinois that is used by a production  
17 facility to produce renewable fuel in Illinois, including, but  
18 not limited to, corn, barley, and soy beans.

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

22 "Majority blended ethanol fuel" means motor fuel that  
23 contains no less than 70% and no more than 90% denatured  
24 ethanol and no less than 10% and no more than 30% gasoline.

25 "Motor vehicles" means motor vehicles as defined in the  
26 Illinois Vehicle Code and watercraft propelled by an internal

1 combustion engine.

2 "Owner" means any individual, sole proprietorship, limited  
3 partnership, co-partnership, joint venture, corporation,  
4 cooperative, or other legal entity, including its agents, that  
5 operates or will operate a plant located within the State of  
6 Illinois.

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

13 "Renewable fuel" means ethanol, gasohol, majority blended  
14 ethanol fuel, biodiesel blend fuel, and biodiesel.

15 (Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03;  
16 94-793, eff. 5-19-06.)

17 (20 ILCS 689/15)

18 Sec. 15. Illinois Renewable Fuels Development Program.

19 (a) The Agency may ~~Department must develop and~~ administer  
20 the Illinois Renewable Fuels Development Program to assist in  
21 the construction, modification, alteration, or retrofitting of  
22 renewable fuel plants in Illinois. The recipient of a grant  
23 under this Section must:

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

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

5           (3) enter into a project labor agreement as prescribed  
6 by Section 25 of this Act.

7           (b) Grant applications must be made on forms provided by  
8 and in accordance with procedures established by the Agency  
9 ~~Department~~.

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

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

15           (20 ILCS 689/25)

16           Sec. 25. Project labor agreements.

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

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

20               (2) provisions establishing the benefits and other  
21 compensation for each class of labor organization  
22 employee; and

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

25           The owner of the plant and the labor organizations shall have



1 the authority to include other terms and conditions as they  
2 deem necessary.

3 (b) The project labor agreement shall be filed with the  
4 Director in accordance with procedures established by the  
5 Agency ~~Department~~. At a minimum, the project labor agreement  
6 must provide the names, addresses, and occupations of the owner  
7 of the plant and the individuals representing the labor  
8 organization employees participating in the project labor  
9 agreement. The agreement must also specify the terms and  
10 conditions required in subsection (a).

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

12 (20 ILCS 689/30)

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

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

17 Section 915. The Energy Conservation and Coal Development  
18 Act is amended by changing Sections 1 and 3 as follows:

19 (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

20 Sec. 1. Definitions; transfer of duties.

21 (a) For the purposes of this Act, unless the context  
22 otherwise requires:

23 "Department" means the Department of Commerce and

1 Economic Opportunity.

2 "Director" means the Director of Commerce and Economic  
3 Opportunity.

4 (b) As provided in Section 80-20 of the Department of  
5 Natural Resources Act, the Department of Commerce and Community  
6 Affairs (now Department of Commerce and Economic Opportunity)  
7 shall assume the rights, powers, and duties of the former  
8 Department of Energy and Natural Resources under this Act,  
9 except as those rights, powers, and duties are otherwise  
10 allocated or transferred by this amendatory Act of the 100th  
11 General Assembly or any other law.

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

13 (20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

14 Sec. 3. Powers and duties.

15 (a) In addition to its other powers, the Environmental  
16 Protection Agency ~~Department~~ has the following powers:

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

22 (2) To represent the State in energy matters involving  
23 the federal government, other states, units of local  
24 government, and regional agencies.

25 (3) To prepare energy assurance ~~contingency~~ plans for

1 consideration by the Governor and the General Assembly.  
2 Such plans may ~~shall~~ include procedures for determining  
3 when a foreseeable danger exists of energy shortages,  
4 including shortages of petroleum, coal, nuclear power,  
5 natural gas, and other forms of energy, and may ~~shall~~  
6 specify the actions to be taken to minimize hardship and  
7 maintain the general welfare during such energy shortages.

8 (4) To cooperate with State colleges and universities  
9 and their governing boards in energy programs and  
10 activities.

11 (5) (Blank).

12 (6) To accept, receive, expend, and administer,  
13 including by contracts and grants to other State agencies,  
14 any energy-related gifts, grants, cooperative agreement  
15 funds, and other funds made available to the Agency  
16 ~~Department~~ by the federal government and other public and  
17 private sources, as well as any of those funds made  
18 available to the Department before the effective date of  
19 this amendatory Act of the 100th General Assembly.

20 (7) To assist the Department of Central Management  
21 Services in establishing and maintaining a system to  
22 analyze and report energy consumption of facilities leased  
23 by the Department of Central Management Services.

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

26 (1) ~~(7)~~ To investigate practical problems, seek and

1           utilize financial assistance, implement studies and  
2           conduct research relating to the production, distribution  
3           and use of alcohol fuels.

4           (2) ~~(8)~~ To serve as a clearinghouse for information on  
5           alcohol production technology; provide assistance,  
6           information and data relating to the production and use of  
7           alcohol; develop informational packets and brochures, and  
8           hold public seminars to encourage the development and  
9           utilization of the best available technology.

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

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

25          The Office of Coal Development and Marketing shall  
26          develop and implement an initiative to assist the coal

1 industry in Illinois to increase its share of the  
2 international coal market.

3 (5) ~~(11)~~ To assist the Department of Central Management  
4 Services in establishing and maintaining a system to  
5 analyze and report energy consumption of facilities leased  
6 by the Department of Central Management Services.

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

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

17 (b) (Blank).

18 (c) (Blank).

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

1 (e) (Blank).

2 (f) (Blank).

3 (g) (Blank).

4 (h) (Blank).

5 (i) (Blank).

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

7 Section 920. The Energy Conservation Act is amended by  
8 changing Section 4 as follows:

9 (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

10 Sec. 4. Technical Assistance Programs.

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

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

22 (c) The Technical Assistance Programs provided in this  
23 Section shall be supported by funds provided to the State  
24 pursuant to the federal "Energy Policy and Conservation Act of

1 1975" or other federal acts that provide funds for energy  
2 conservation efforts through the use of building codes.

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

4 (20 ILCS 1115/5 rep.)

5 Section 925. The Energy Conservation Act is amended by  
6 repealing Section 5.

7 Section 930. The Energy Efficient Building Act is amended  
8 by changing Sections 10, 15, 25, and 30 as follows:

9 (20 ILCS 3125/10)

10 Sec. 10. Definitions.

11 "Agency" means the Environmental Protection Agency.

12 "Board" means the Capital Development Board.

13 "Building" includes both residential buildings and  
14 commercial buildings.

15 "Code" means the latest published edition of the  
16 International Code Council's International Energy Conservation  
17 Code as adopted by the Board, excluding published supplements  
18 but including the amendments and adaptations to the Code that  
19 are made by the Board.

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

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

1 "Municipality" means any city, village, or incorporated  
2 town.

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

15 (Source: P.A. 96-778, eff. 8-28-09; 97-1033, eff. 8-17-12.)

16 (20 ILCS 3125/15)

17 Sec. 15. Energy Efficient Building Code. The Board, in  
18 consultation with the Agency ~~Department~~, shall adopt the Code  
19 as minimum requirements for commercial buildings, applying to  
20 the construction of, renovations to, and additions to all  
21 commercial buildings in the State. The Board, in consultation  
22 with the Agency ~~Department~~, shall also adopt the Code as the  
23 minimum and maximum requirements for residential buildings,  
24 applying to the construction of all residential buildings in  
25 the State, except as provided for in Section 45 of this Act.



1 The Board may appropriately adapt the International Energy  
2 Conservation Code to apply to the particular economy,  
3 population distribution, geography, and climate of the State  
4 and construction therein, consistent with the public policy  
5 objectives of this Act.

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

7 (20 ILCS 3125/25)

8 Sec. 25. Technical assistance.

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

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

18 (c) The Agency ~~Department~~ shall provide local  
19 jurisdictions with technical assistance concerning  
20 implementation and enforcement of the Code.

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

22 (20 ILCS 3125/30)

23 Sec. 30. Enforcement. The Board, in consultation with the  
24 Agency ~~Department~~, shall determine procedures for compliance

1 with the Code. These procedures may include but need not be  
2 limited to certification by a national, State, or local  
3 accredited energy conservation program or inspections from  
4 private Code-certified inspectors using the Code.

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

6 Section 935. The Green Governments Illinois Act is amended  
7 by changing Section 20 as follows:

8 (20 ILCS 3954/20)

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

17 (a) Establishing long-term environmental  
18 sustainability goals that the State will strive to achieve  
19 within a period of 3, 5, and 10 years to improve the energy  
20 and environmental performance of State buildings,  
21 consistent with efficiency and economic objectives. These  
22 goals shall, at a minimum, include the following:  
23 broad-based performance goals for energy efficiency; use  
24 of renewable fuels; water conservation; green purchasing;

1 paper consumption; and solid waste generation. These goals  
2 can be met through increased efficiency, operational  
3 changes, and improved maintenance and use of  
4 cost-effective alternative technologies, raw materials,  
5 and fuels.

6 The Council shall:

7 (1) communicate the environmental sustainability  
8 goals to all State agencies;

9 (2) establish an electronic system to track and  
10 report on environmental progress;

11 (3) monitor improvement activities; and

12 (4) propose new goals as appropriate.

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

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

1 information. These materials must be made available on a  
2 website devoted to the Green Governments Illinois program.

3 (d) Developing and implementing, to the extent  
4 fiscally feasible, training programs designed to instill  
5 the importance and value of environmental sustainability.

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

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

1 (g) Reviewing budgetary policy and making  
2 recommendations to the Governor on incentives for State  
3 agencies to undertake environmental improvements that  
4 result in long-term cost-savings, productivity  
5 enhancements, or other outcomes deemed appropriate to the  
6 State's sustainability goals.

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

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

1 Governor's designee first approves that subgrant.

2 (i) The chairman of the Council shall determine whether  
3 or not the I-Cycle program is operating effectively and  
4 make recommendations concerning management of the I-Cycle  
5 program. The chairman has the authority to dissolve the  
6 I-Cycle program if the program is found to be ineffective.

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

8 Section 940. The School Code is amended by changing  
9 Sections 10-20.19c and 34-18.15 as follows:

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

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

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

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

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

24 "Paper and paper products" means high grade printing and

1 writing papers, tissue products, newsprint, unbleached  
2 packaging and recycled paperboard.

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

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

19 "Recycled paperboard" includes paperboard products,  
20 folding cartons and pad backings.

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

25 "Unbleached packaging" includes corrugated and fiber  
26 storage boxes.

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

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

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

24 (2) Beginning July 1, 2011, at least 25% of the total  
25 dollar value of paper and paper products purchased by  
26 school boards, public schools and attendance centers, and



1           their school supply stores shall be recycled paper and  
2           paper products.

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

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

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

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

25          (d) (1) Wherever economically and practically feasible, the  
26          recycled paper and paper products referred to in subsection (b)

1 shall contain postconsumer or recovered paper materials as  
2 specified by paper category in this subsection:

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

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

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

1 1998, shall contain at least 70% postconsumer material; and  
2 beginning July 1, 2000, shall contain at least 80%  
3 postconsumer material.

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

12 (v) Recycled paperboard, until July 1, 1994, shall  
13 contain at least 80% postconsumer material; and beginning  
14 July 1, 1994, shall contain at least 85% postconsumer  
15 material; and beginning July 1, 1996, shall contain at  
16 least 90% postconsumer material; and beginning July 1,  
17 1998, shall contain at least 95% postconsumer material.

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

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

26 (ii) all paper, paperboard, and fibrous wastes

1           that are diverted or separated from the municipal waste  
2           stream.

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

5                   (i) postconsumer material;

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

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

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

1 edited or produced by students enrolled in the school district,  
2 public school or attendance center.

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

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

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

23 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

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

1 (a) Definitions. As used in this Section, the following  
2 terms shall have the meanings indicated, unless the context  
3 otherwise requires:

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

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

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

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

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

1 fibers recovered from waste water or trimmings of paper machine  
2 rolls (mill broke), or fibrous byproducts of harvesting,  
3 extraction or woodcutting processes, or forest residues such as  
4 bark.

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

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

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

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

26 (b) Wherever economically and practically feasible, as

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

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

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

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

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

25 (5) Beginning upon the effective date of this  
26 amendatory Act of 1992, all paper purchased by the board of



1 education, public schools and attendance centers for  
2 publication of student newspapers shall be recycled  
3 newsprint. The amount purchased shall not be included in  
4 calculating the amounts specified in paragraphs (1)  
5 through (4).

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

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

15 (i) Recycled high grade printing and writing paper  
16 shall contain at least 50% recovered paper material. Such  
17 recovered paper material, until July 1, 2008, shall consist  
18 of at least 20% deinked stock or postconsumer material; and  
19 beginning July 1, 2008, shall consist of at least 25%  
20 deinked stock or postconsumer material; and beginning July  
21 1, 2010, shall consist of at least 30% deinked stock or  
22 postconsumer material; and beginning July 1, 2012, shall  
23 consist of at least 40% deinked stock or postconsumer  
24 material; and beginning July 1, 2014, shall consist of at  
25 least 50% deinked stock or postconsumer 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; and  
14 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; and  
18 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 waste  
14 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 of  
17          solid waste generated by academic, administrative, and other  
18          institutional functions. Those waste reduction procedures must  
19          be designed to, when economically and practically feasible,  
20          recycle the school district's waste stream, including without  
21          limitation landscape waste, computer paper, and white office  
22          paper. The school district is encouraged to have procedures  
23          that provide for the investigation of potential markets for  
24          other recyclable materials that are present in the school  
25          district's waste stream. The waste reduction procedures must be  
26          designed to achieve, before July 1, 2020, at least a 50%

1 reduction in the amount of solid waste that is generated by the  
2 school district.

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

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

9 Section 945. The Environmental Protection Act is amended by  
10 changing Sections 21.6, 22.15, 22.16b, 22.23, 55.3, 55.7,  
11 58.14a, and 58.15 as follows:

12 (415 ILCS 5/21.6) (from Ch. 111 1/2, par. 1021.6)

13 Sec. 21.6. Materials disposal ban.

14 (a) Beginning July 1, 1996, no person may knowingly mix  
15 liquid used oil with any municipal waste that is intended for  
16 collection and disposal at a landfill.

17 (b) Beginning July 1, 1996, no owner or operator of a  
18 sanitary landfill shall accept for final disposal liquid used  
19 oil that is discernible in the course of prudent business  
20 operation.

21 (c) For purposes of this Section, "liquid used oil" does  
22 not include used oil filters, rags, absorbent material used to  
23 collect spilled oil or other materials incidentally  
24 contaminated with used oil, or empty containers which

1 previously contained virgin oil, re-refined oil, or used oil.

2 (d) The Agency ~~and the Department of Commerce and Economic~~  
3 ~~Opportunity~~ shall investigate the manner in which liquid used  
4 oil is currently being utilized and potential prospects for  
5 future use.

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

7 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

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

9 (a) There is hereby created within the State Treasury a  
10 special fund to be known as the "Solid Waste Management Fund",  
11 to be constituted from the fees collected by the State pursuant  
12 to this Section, from repayments of loans made from the Fund  
13 for solid waste projects, from registration fees collected  
14 pursuant to the Consumer Electronics Recycling Act, and from  
15 amounts transferred into the Fund pursuant to Public Act  
16 100-433 ~~this amendatory Act of the 100th General Assembly.~~  
17 Moneys received by either the Agency or the Department of  
18 Commerce and Economic Opportunity in repayment of loans made  
19 pursuant to the Illinois Solid Waste Management Act shall be  
20 deposited into the General Revenue Fund.

21 (b) The Agency shall assess and collect a fee in the amount  
22 set forth herein from the owner or operator of each sanitary  
23 landfill permitted or required to be permitted by the Agency to  
24 dispose of solid waste if the sanitary landfill is located off  
25 the site where such waste was produced and if such sanitary

1 landfill is owned, controlled, and operated by a person other  
2 than the generator of such waste. The Agency shall deposit all  
3 fees collected into the Solid Waste Management Fund. If a site  
4 is contiguous to one or more landfills owned or operated by the  
5 same person, the volumes permanently disposed of by each  
6 landfill shall be combined for purposes of determining the fee  
7 under this subsection.

8 (1) If more than 150,000 cubic yards of non-hazardous  
9 solid waste is permanently disposed of at a site in a  
10 calendar year, the owner or operator shall either pay a fee  
11 of 95 cents per cubic yard or, alternatively, the owner or  
12 operator may weigh the quantity of the solid waste  
13 permanently disposed of with a device for which  
14 certification has been obtained under the Weights and  
15 Measures Act and pay a fee of \$2.00 per ton of solid waste  
16 permanently disposed of. In no case shall the fee collected  
17 or paid by the owner or operator under this paragraph  
18 exceed \$1.55 per cubic yard or \$3.27 per ton.

19 (2) If more than 100,000 cubic yards but not more than  
20 150,000 cubic yards of non-hazardous waste is permanently  
21 disposed of at a site in a calendar year, the owner or  
22 operator shall pay a fee of \$52,630.

23 (3) If more than 50,000 cubic yards but not more than  
24 100,000 cubic yards of non-hazardous solid waste is  
25 permanently disposed of at a site in a calendar year, the  
26 owner or operator shall pay a fee of \$23,790.

1           (4) If more than 10,000 cubic yards but not more than  
2           50,000 cubic yards of non-hazardous solid waste is  
3           permanently disposed of at a site in a calendar year, the  
4           owner or operator shall pay a fee of \$7,260.

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

9           (c) (Blank).

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

13               (1) necessary records identifying the quantities of  
14               solid waste received or disposed;

15               (2) the form and submission of reports to accompany the  
16               payment of fees to the Agency;

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

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

23          (e) Pursuant to appropriation, all monies in the Solid  
24          Waste Management Fund shall be used by the Agency ~~and the~~  
25          ~~Department of Commerce and Economic Opportunity~~ for the  
26          purposes set forth in this Section and in the Illinois Solid



1 Waste Management Act, including for the costs of fee collection  
2 and administration, and for the administration of (1) the  
3 Consumer Electronics Recycling Act and (2) until January 1,  
4 2020, the Electronic Products Recycling and Reuse Act.

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

9 (g) On the first day of January, April, July, and October  
10 of each year, beginning on July 1, 1996, the State Comptroller  
11 and Treasurer shall transfer \$500,000 from the Solid Waste  
12 Management Fund to the Hazardous Waste Fund. Moneys transferred  
13 under this subsection (g) shall be used only for the purposes  
14 set forth in item (1) of subsection (d) of Section 22.2.

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

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

21 (j) A unit of local government, as defined in the Local  
22 Solid Waste Disposal Act, in which a solid waste disposal  
23 facility is located may establish a fee, tax, or surcharge with  
24 regard to the permanent disposal of solid waste. All fees,  
25 taxes, and surcharges collected under this subsection shall be  
26 utilized for solid waste management purposes, including

1 long-term monitoring and maintenance of landfills, planning,  
2 implementation, inspection, enforcement and other activities  
3 consistent with the Solid Waste Management Act and the Local  
4 Solid Waste Disposal Act, or for any other environment-related  
5 purpose, including but not limited to an environment-related  
6 public works project, but not for the construction of a new  
7 pollution control facility other than a household hazardous  
8 waste facility. However, the total fee, tax or surcharge  
9 imposed by all units of local government under this subsection  
10 (j) upon the solid waste disposal facility shall not exceed:

11 (1) 60¢ per cubic yard if more than 150,000 cubic yards  
12 of non-hazardous solid waste is permanently disposed of at  
13 the site in a calendar year, unless the owner or operator  
14 weighs the quantity of the solid waste received with a  
15 device for which certification has been obtained under the  
16 Weights and Measures Act, in which case the fee shall not  
17 exceed \$1.27 per ton of solid waste permanently disposed  
18 of.

19 (2) \$33,350 if more than 100,000 cubic yards, but not  
20 more than 150,000 cubic yards, of non-hazardous waste is  
21 permanently disposed of at the site in a calendar year.

22 (3) \$15,500 if more than 50,000 cubic yards, but not  
23 more than 100,000 cubic yards, of non-hazardous solid waste  
24 is permanently disposed of at the site in a calendar year.

25 (4) \$4,650 if more than 10,000 cubic yards, but not  
26 more than 50,000 cubic yards, of non-hazardous solid waste

1 is permanently disposed of at the site in a calendar year.

2 (5) \$650 if not more than 10,000 cubic yards of  
3 non-hazardous solid waste is permanently disposed of at the  
4 site in a calendar year.

5 The corporate authorities of the unit of local government  
6 may use proceeds from the fee, tax, or surcharge to reimburse a  
7 highway commissioner whose road district lies wholly or  
8 partially within the corporate limits of the unit of local  
9 government for expenses incurred in the removal of  
10 nonhazardous, nonfluid municipal waste that has been dumped on  
11 public property in violation of a State law or local ordinance.

12 A county or Municipal Joint Action Agency that imposes a  
13 fee, tax, or surcharge under this subsection may use the  
14 proceeds thereof to reimburse a municipality that lies wholly  
15 or partially within its boundaries for expenses incurred in the  
16 removal of nonhazardous, nonfluid municipal waste that has been  
17 dumped on public property in violation of a State law or local  
18 ordinance.

19 If the fees are to be used to conduct a local sanitary  
20 landfill inspection or enforcement program, the unit of local  
21 government must enter into a written delegation agreement with  
22 the Agency pursuant to subsection (r) of Section 4. The unit of  
23 local government and the Agency shall enter into such a written  
24 delegation agreement within 60 days after the establishment of  
25 such fees. At least annually, the Agency shall conduct an audit  
26 of the expenditures made by units of local government from the

1 funds granted by the Agency to the units of local government  
2 for purposes of local sanitary landfill inspection and  
3 enforcement programs, to ensure that the funds have been  
4 expended for the prescribed purposes under the grant.

5 The fees, taxes or surcharges collected under this  
6 subsection (j) shall be placed by the unit of local government  
7 in a separate fund, and the interest received on the moneys in  
8 the fund shall be credited to the fund. The monies in the fund  
9 may be accumulated over a period of years to be expended in  
10 accordance with this subsection.

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

16 (1) The total monies collected pursuant to this  
17 subsection.

18 (2) The most current balance of monies collected  
19 pursuant to this subsection.

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

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

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

26 The exemptions granted under Sections 22.16 and 22.16a, and

1 under subsection (k) of this Section, shall be applicable to  
2 any fee, tax or surcharge imposed under this subsection (j);  
3 except that the fee, tax or surcharge authorized to be imposed  
4 under this subsection (j) may be made applicable by a unit of  
5 local government to the permanent disposal of solid waste after  
6 December 31, 1986, under any contract lawfully executed before  
7 June 1, 1986 under which more than 150,000 cubic yards (or  
8 50,000 tons) of solid waste is to be permanently disposed of,  
9 even though the waste is exempt from the fee imposed by the  
10 State under subsection (b) of this Section pursuant to an  
11 exemption granted under Section 22.16.

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

16 (1) waste ~~Waste~~ which is hazardous waste; ~~or~~

17 (2) waste ~~Waste~~ which is pollution control waste; ~~or~~

18 (3) waste ~~Waste~~ from recycling, reclamation or reuse  
19 processes which have been approved by the Agency as being  
20 designed to remove any contaminant from wastes so as to  
21 render such wastes reusable, provided that the process  
22 renders at least 50% of the waste reusable; ~~or~~

23 (4) non-hazardous ~~Non-hazardous~~ solid waste that is  
24 received at a sanitary landfill and composted or recycled  
25 through a process permitted by the Agency; or

26 (5) any ~~Any~~ landfill which is permitted by the Agency

1 to receive only demolition or construction debris or  
2 landscape waste.

3 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;  
4 revised 9-29-17.)

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

6 Sec. 22.16b. (a) Beginning January 1, 1991, the Agency  
7 shall assess and collect a fee from the owner or operator of  
8 each new municipal waste incinerator. The fee shall be  
9 calculated by applying the rates established from time to time  
10 for the disposal of solid waste at sanitary landfills under  
11 subdivision (b)(1) of Section 22.15 to the total amount of  
12 municipal waste accepted for incineration at the new municipal  
13 waste incinerator. The exemptions provided by this Act to the  
14 fees imposed under subsection (b) of Section 22.15 shall not  
15 apply to the fee imposed by this Section.

16 The owner or operator of any new municipal waste  
17 incinerator permitted after January 1, 1990, but before July 1,  
18 1990 by the Agency for the development or operation of a new  
19 municipal waste incinerator shall be exempt from this fee, but  
20 shall include the following conditions:

21 (1) The owner or operator shall provide information  
22 programs to those communities serviced by the owner or  
23 operator concerning recycling and separation of waste not  
24 suitable for incineration.

25 (2) The owner or operator shall provide information

1 programs to those communities serviced by the owner or  
2 operator concerning the Agency's household hazardous waste  
3 collection program and participation in that program.

4 For the purposes of this Section, "new municipal waste  
5 incinerator" means a municipal waste incinerator initially  
6 permitted for development or construction on or after January  
7 1, 1990.

8 Amounts collected under this subsection shall be deposited  
9 into the Municipal Waste Incinerator Tax Fund, which is hereby  
10 established as an interest-bearing special fund in the State  
11 Treasury. Monies in the Fund may be used, subject to  
12 appropriation:

13 (1) by the Agency ~~Department of Commerce and Economic~~  
14 ~~Opportunity~~ to fund its public information programs on  
15 recycling in those communities served by new municipal  
16 waste incinerators; and

17 (2) by the Agency to fund its household hazardous waste  
18 collection activities in those communities served by new  
19 municipal waste incinerators.

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

23 (1) The incinerator must be designed to provide  
24 continuous monitoring while in operation, with direct  
25 transmission of the resultant data to the Agency, until the  
26 Agency determines the best available control technology

1 for monitoring the data. The Agency shall establish the  
2 test methods, procedures and averaging periods, as  
3 certified by the USEPA for solid waste incinerator units,  
4 and the form and frequency of reports containing results of  
5 the monitoring. Compliance and enforcement shall be based  
6 on such reports. Copies of the results of such monitoring  
7 shall be maintained on file at the facility concerned for  
8 one year, and copies shall be made available for inspection  
9 and copying by interested members of the public during  
10 business hours.

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

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

26 (4) The operator may not accept for incineration any



1 waste generated or collected in a municipality that has not  
2 implemented a recycling plan or is party to an implemented  
3 county plan, consistent with State goals and objectives.  
4 Such plans shall include provisions for collecting,  
5 recycling or diverting from landfills and municipal  
6 incinerators landscape waste, household hazardous waste  
7 and batteries. Such provisions may be performed at the site  
8 of the new municipal incinerator.

9 The Agency, after careful scrutiny of a permit application  
10 for the construction, development or operation of a new  
11 municipal waste incinerator, shall deny the permit if (i) the  
12 Agency finds in the permit application noncompliance with the  
13 laws and rules of the State or (ii) the application indicates  
14 that the mandated air emissions standards will not be reached  
15 within six months of the proposed municipal waste incinerator  
16 beginning operation.

17 (c) The Agency shall adopt specific limitations on the  
18 emission of mercury, chromium, cadmium and lead, and good  
19 combustion practices, including temperature controls from  
20 municipal waste incinerators pursuant to Section 9.4 of the  
21 Act.

22 (d) The Agency shall establish household hazardous waste  
23 collection centers in appropriate places in this State. The  
24 Agency may operate and maintain the centers itself or may  
25 contract with other parties for that purpose. The Agency shall  
26 ensure that the wastes collected are properly disposed of. The

1 collection centers may charge fees for their services, not to  
2 exceed the costs incurred. Such collection centers shall not  
3 (i) be regulated as hazardous waste facilities under RCRA nor  
4 (ii) be subject to local siting approval under Section 39.2 if  
5 the local governing authority agrees to waive local siting  
6 approval procedures.

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

8 (415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

9 Sec. 22.23. Batteries.

10 (a) Beginning September 1, 1990, any person selling  
11 lead-acid batteries at retail or offering lead-acid batteries  
12 for retail sale in this State shall:

13 (1) accept for recycling used lead-acid batteries from  
14 customers, at the point of transfer, in a quantity equal to  
15 the number of new batteries purchased; and

16 (2) post in a conspicuous place a written notice at  
17 least 8.5 by 11 inches in size that includes the universal  
18 recycling symbol and the following statements: "DO NOT put  
19 motor vehicle batteries in the trash."; "Recycle your used  
20 batteries."; and "State law requires us to accept motor  
21 vehicle batteries for recycling, in exchange for new  
22 batteries purchased."

23 (b) Any person selling lead-acid batteries at retail in  
24 this State may either charge a recycling fee on each new  
25 lead-acid battery sold for which the customer does not return a

1 used battery to the retailer, or provide a recycling credit to  
2 each customer who returns a used battery for recycling at the  
3 time of purchasing a new one.

4 (c) Beginning September 1, 1990, no lead-acid battery  
5 retailer may dispose of a used lead-acid battery except by  
6 delivering it (1) to a battery wholesaler or its agent, (2) to  
7 a battery manufacturer, (3) to a collection or recycling  
8 facility, or (4) to a secondary lead smelter permitted by  
9 either a state or federal environmental agency.

10 (d) Any person selling lead-acid batteries at wholesale or  
11 offering lead-acid batteries for sale at wholesale shall accept  
12 for recycling used lead-acid batteries from customers, at the  
13 point of transfer, in a quantity equal to the number of new  
14 batteries purchased. Such used batteries shall be disposed of  
15 as provided in subsection (c).

16 (e) A person who accepts used lead-acid batteries for  
17 recycling pursuant to subsection (a) or (d) shall not allow  
18 such batteries to accumulate for periods of more than 90 days.

19 (f) Beginning September 1, 1990, no person may knowingly  
20 cause or allow:

21 (1) the placing of a lead-acid battery into any  
22 container intended for collection and disposal at a  
23 municipal waste sanitary landfill; or

24 (2) the disposal of any lead-acid battery in any  
25 municipal waste sanitary landfill or incinerator.

26 (g) The Agency ~~Department of Commerce and Economic~~

1 ~~Opportunity~~ shall identify and assist in developing  
2 alternative processing and recycling options for used  
3 batteries.

4 (h) For the purpose of this Section:

5 "Lead-acid battery" means a battery containing lead and  
6 sulfuric acid that has a nominal voltage of at least 6 volts  
7 and is intended for use in motor vehicles.

8 "Motor vehicle" includes automobiles, vans, trucks,  
9 tractors, motorcycles and motorboats.

10 (i) (Blank.)

11 (j) Knowing violation of this Section shall be a petty  
12 offense punishable by a fine of \$100.

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

14 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

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

18 (b) Upon making a finding that an accumulation of used or  
19 waste tires creates a hazard posing a threat to public health  
20 or the environment, the Agency may undertake preventive or  
21 corrective action in accordance with this subsection. Such  
22 preventive or corrective action may consist of any or all of  
23 the following:

24 (1) Treating and handling used or waste tires and other  
25 infested materials within the area for control of

1 mosquitoes and other disease vectors.

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

5 (3) Removal of used and waste tire accumulations from  
6 the area.

7 (4) Removal of soil and water contamination related to  
8 tire accumulations.

9 (5) Installation of devices to monitor and control  
10 groundwater and surface water contamination related to  
11 tire accumulations.

12 (6) Such other actions as may be authorized by Board  
13 regulations.

14 (c) The Agency may, subject to the availability of  
15 appropriated funds, undertake a consensual removal action for  
16 the removal of up to 1,000 used or waste tires at no cost to the  
17 owner according to the following requirements:

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

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

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

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

1 (iii) that the owner will hold harmless the Agency  
2 or any employee or contractor utilized by the Agency to  
3 effect the removal, for any damage to property incurred  
4 during the course of action under this subsection,  
5 except for gross negligence or intentional misconduct;  
6 and

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

10 (3) The Agency may by rule establish conditions and  
11 priorities for removal of used and waste tires under this  
12 subsection.

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

15 (d) The Agency shall have authority to provide notice to  
16 the owner or operator, or both, of a site where used or waste  
17 tires are located and to the owner or operator, or both, of the  
18 accumulation of tires at the site, whenever the Agency finds  
19 that the used or waste tires pose a threat to public health or  
20 the environment, or that there is no owner or operator  
21 proceeding in accordance with a tire removal agreement approved  
22 under Section 55.4.

23 The notice provided by the Agency shall include the  
24 identified preventive or corrective action, and shall provide  
25 an opportunity for the owner or operator, or both, to perform  
26 such action.

1           For sites with more than 250,000 passenger tire  
2           equivalents, following the notice provided for by this  
3           subsection (d), the Agency may enter into a written  
4           reimbursement agreement with the owner or operator of the site.  
5           The agreement shall provide a schedule for the owner or  
6           operator to reimburse the Agency for costs incurred for  
7           preventive or corrective action, which shall not exceed 5 years  
8           in length. An owner or operator making payments under a written  
9           reimbursement agreement pursuant to this subsection (d) shall  
10          not be liable for punitive damages under subsection (h) of this  
11          Section.

12          (e) In accordance with constitutional limitations, the  
13          Agency shall have authority to enter at all reasonable times  
14          upon any private or public property for the purpose of taking  
15          whatever preventive or corrective action is necessary and  
16          appropriate in accordance with the provisions of this Section,  
17          including but not limited to removal, processing or treatment  
18          of used or waste tires, whenever the Agency finds that used or  
19          waste tires pose a threat to public health or the environment.

20          (f) In undertaking preventive, corrective or consensual  
21          removal action under this Section the Agency may consider use  
22          of the following: rubber reuse alternatives, shredding or other  
23          conversion through use of mobile or fixed facilities, energy  
24          recovery through burning or incineration, and landfill  
25          disposal. ~~To the extent practicable, the Agency shall consult~~  
26          ~~with the Department of Commerce and Economic Opportunity~~

1 ~~regarding the availability of alternatives to landfilling used~~  
2 ~~and waste tires, and shall make every reasonable effort to~~  
3 ~~coordinate tire cleanup projects with applicable programs that~~  
4 ~~relate to such alternative practices.~~

5 (g) Except as otherwise provided in this Section, the owner  
6 or operator of any site or accumulation of used or waste tires  
7 at which the Agency has undertaken corrective or preventive  
8 action under this Section shall be liable for all costs thereof  
9 incurred by the State of Illinois, including reasonable costs  
10 of collection. Any monies received by the Agency hereunder  
11 shall be deposited into the Used Tire Management Fund. The  
12 Agency may in its discretion store, dispose of or convey the  
13 tires that are removed from an area at which it has undertaken  
14 a corrective, preventive or consensual removal action, and may  
15 sell or store such tires and other items, including but not  
16 limited to rims, that are removed from the area. The net  
17 proceeds of any sale shall be credited against the liability  
18 incurred by the owner or operator for the costs of any  
19 preventive or corrective action.

20 (h) Any person liable to the Agency for costs incurred  
21 under subsection (g) of this Section may be liable to the State  
22 of Illinois for punitive damages in an amount at least equal  
23 to, and not more than 2 times, the costs incurred by the State  
24 if such person failed without sufficient cause to take  
25 preventive or corrective action pursuant to notice issued under  
26 subsection (d) of this Section.



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

5           (1) an act of God;

6           (2) an act of war; or

7           (3) an act or omission of a third party other than an  
8 employee or agent, and other than a person whose act or  
9 omission occurs in connection with a contractual  
10 relationship with the person otherwise liable.

11          For the purposes of this subsection, "contractual  
12 relationship" includes, but is not limited to, land contracts,  
13 deeds and other instruments transferring title or possession,  
14 unless the real property upon which the accumulation is located  
15 was acquired by the defendant after the disposal or placement  
16 of used or waste tires on, in or at the property and one or more  
17 of the following circumstances is also established by a  
18 preponderance of the evidence:

19           (A) at the time the defendant acquired the  
20 property, the defendant did not know and had no reason  
21 to know that any used or waste tires had been disposed  
22 of or placed on, in or at the property, and the  
23 defendant undertook, at the time of acquisition, all  
24 appropriate inquiries into the previous ownership and  
25 uses of the property consistent with good commercial or  
26 customary practice in an effort to minimize liability;

1           (B) the defendant is a government entity which  
2           acquired the property by escheat or through any other  
3           involuntary transfer or acquisition, or through the  
4           exercise of eminent domain authority by purchase or  
5           condemnation; or

6           (C) the defendant acquired the property by  
7           inheritance or bequest.

8           (j) Nothing in this Section shall affect or modify the  
9           obligations or liability of any person under any other  
10          provision of this Act, federal law, or State law, including the  
11          common law, for injuries, damages or losses resulting from the  
12          circumstances leading to Agency action under this Section.

13          (k) The costs and damages provided for in this Section may  
14          be imposed by the Board in an action brought before the Board  
15          in accordance with Title VIII of this Act, except that  
16          subsection (c) of Section 33 of this Act shall not apply to any  
17          such action.

18          (l) The Agency shall, when feasible, consult with the  
19          Department of Public Health prior to taking any action to  
20          remove or treat an infested tire accumulation for control of  
21          mosquitoes or other disease vectors. The Agency may by contract  
22          or agreement secure the services of the Department of Public  
23          Health, any local public health department, or any other  
24          qualified person in treating any such infestation as part of an  
25          emergency or preventive action.

26          (m) Neither the State, the Agency, the Board, the Director,

1 nor any State employee shall be liable for any damage or injury  
2 arising out of or resulting from any action taken under this  
3 Section.

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

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

6 Sec. 55.7. The Agency ~~Department of Commerce and Economic~~  
7 ~~Opportunity~~ may adopt regulations as necessary for the  
8 administration of the grant and loan programs funded from the  
9 Used Tire Management Fund, including but not limited to  
10 procedures and criteria for applying for, evaluating, awarding  
11 and terminating grants and loans. The Agency ~~Department of~~  
12 ~~Commerce and Economic Opportunity~~ may by rule specify criteria  
13 for providing grant assistance rather than loan assistance;  
14 such criteria shall promote the expeditious development of  
15 alternatives to the disposal of used tires, and the efficient  
16 use of monies for assistance. Evaluation criteria may be  
17 established by rule, considering such factors as:

18 (1) the likelihood that a proposal will lead to the  
19 actual collection and processing of used tires and  
20 protection of the environment and public health in  
21 furtherance of the purposes of this Act;

22 (2) the feasibility of the proposal;

23 (3) the suitability of the location for the proposed  
24 activity;

25 (4) the potential of the proposal for encouraging

1 recycling and reuse of resources; and  
2 (5) the potential for development of new technologies  
3 consistent with the purposes of this Act.  
4 (Source: P.A. 94-793, eff. 5-19-06.)

5 (415 ILCS 5/58.14a)

6 Sec. 58.14a. River Edge Redevelopment Zone Site  
7 Remediation Tax Credit Review.

8 (a) Prior to applying for the River Edge Redevelopment Zone  
9 site remediation tax credit under subsection (n) of Section 201  
10 of the Illinois Income Tax Act, a Remediation Applicant must  
11 first submit to the Agency an application for review of  
12 remediation costs. The Agency shall review the application ~~in~~  
13 ~~consultation with the Department of Commerce and Economic~~  
14 ~~Opportunity~~. The application and review process must be  
15 conducted in accordance with the requirements of this Section  
16 and the rules adopted under subsection (g). A preliminary  
17 review of the estimated remediation costs for development and  
18 implementation of the Remedial Action Plan may be obtained in  
19 accordance with subsection (d).

20 (b) No application for review may be submitted until a No  
21 Further Remediation Letter has been issued by the Agency and  
22 recorded in the chain of title for the site in accordance with  
23 Section 58.10. The Agency shall review the application to  
24 determine whether the costs submitted are remediation costs and  
25 whether the costs incurred are reasonable. The application must

1 be on forms prescribed and provided by the Agency. At a  
2 minimum, the application must include the following:

3 (1) information identifying the Remediation Applicant,  
4 the site for which the tax credit is being sought, and the  
5 date of acceptance of the site into the Site Remediation  
6 Program;

7 (2) a copy of the No Further Remediation Letter with  
8 official verification that the letter has been recorded in  
9 the chain of title for the site and a demonstration that  
10 the site for which the application is submitted is the same  
11 site as the one for which the No Further Remediation Letter  
12 is issued;

13 (3) a demonstration that the release of the regulated  
14 substances of concern for which the No Further Remediation  
15 Letter was issued were not caused or contributed to in any  
16 material respect by the Remediation Applicant.  
17 Determinations as to credit availability shall be made  
18 consistent with the Pollution Control Board rules for the  
19 administration and enforcement of Section 58.9 of this Act;

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

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

24 (6) a demonstration that the costs submitted for review  
25 were incurred by the Remediation Applicant who received the  
26 No Further Remediation Letter;

1           (7) an application fee in the amount set forth in  
2 subsection (e) for each site for which review of  
3 remediation costs is requested and, if applicable,  
4 certification from the Department of Commerce and Economic  
5 Opportunity that the site is located in a River Edge  
6 Redevelopment Zone; and

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

9           (c) Within 60 days after receipt by the Agency of an  
10 application meeting the requirements of subsection (b), the  
11 Agency shall issue a letter to the applicant approving,  
12 disapproving, or modifying the remediation costs submitted in  
13 the application. If the remediation costs are approved as  
14 submitted, then the Agency's letter must state the amount of  
15 the remediation costs to be applied toward the River Edge  
16 Redevelopment Zone site remediation tax credit. If an  
17 application is disapproved or approved with modification of  
18 remediation costs, then the Agency's letter must set forth the  
19 reasons for the disapproval or modification and must state the  
20 amount of the remediation costs, if any, to be applied toward  
21 the River Edge Redevelopment Zone site remediation tax credit.

22           If a preliminary review of a budget plan has been obtained  
23 under subsection (d), then the Remediation Applicant may  
24 submit, with the application and supporting documentation  
25 under subsection (b), a copy of the Agency's final  
26 determination accompanied by a certification that the actual

1 remediation costs incurred for the development and  
2 implementation of the Remedial Action Plan are equal to or less  
3 than the costs approved in the Agency's final determination on  
4 the budget plan. The certification must be signed by the  
5 Remediation Applicant and notarized. Based on that submission,  
6 the Agency is not required to conduct further review of the  
7 costs incurred for development and implementation of the  
8 Remedial Action Plan, and it may approve the costs as  
9 submitted. Within 35 days after the receipt of an Agency letter  
10 disapproving or modifying an application for approval of  
11 remediation costs, the Remediation Applicant may appeal the  
12 Agency's decision to the Board in the manner provided for the  
13 review of permits under Section 40 of this Act.

14 (d) A Remediation Applicant may obtain a preliminary review  
15 of estimated remediation costs for the development and  
16 implementation of the Remedial Action Plan by submitting a  
17 budget plan along with the Remedial Action Plan. The budget  
18 plan must be set forth on forms prescribed and provided by the  
19 Agency and must include, without limitation, line-item  
20 estimates of the costs associated with each line item (such as  
21 personnel, equipment, and materials) that the Remediation  
22 Applicant anticipates will be incurred for the development and  
23 implementation of the Remedial Action Plan. The Agency shall  
24 review the budget plan along with the Remedial Action Plan to  
25 determine whether the estimated costs submitted are  
26 remediation costs and whether the costs estimated for the

1 activities are reasonable.

2 If the Remedial Action Plan is amended by the Remediation  
3 Applicant or as a result of Agency action, then the  
4 corresponding budget plan must be revised accordingly and  
5 resubmitted for Agency review.

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

8 The submittal of a budget plan is deemed to be an automatic  
9 60-day waiver of the Remedial Action Plan review deadlines set  
10 forth in this Section and its rules.

11 Within the applicable period of review, the Agency shall  
12 issue a letter to the Remediation Applicant approving,  
13 disapproving, or modifying the estimated remediation costs  
14 submitted in the budget plan. If a budget plan is disapproved  
15 or approved with modification of estimated remediation costs,  
16 then the Agency's letter must set forth the reasons for the  
17 disapproval or modification.

18 Within 35 days after receipt of an Agency letter  
19 disapproving or modifying a budget plan, the Remediation  
20 Applicant may appeal the Agency's decision to the Board in the  
21 manner provided for the review of permits under Section 40 of  
22 this Act.

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



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

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

5           The application fee must be made payable to the State of  
6 Illinois, for deposit into the Hazardous Waste Fund. Pursuant  
7 to appropriation, the Agency shall use the fees collected under  
8 this subsection for development and administration of the  
9 review program.

10          (f) The Agency has the authority to enter into any  
11 contracts or agreements that may be necessary to carry out its  
12 duties and responsibilities under this Section.

13          (g) The Agency shall adopt rules prescribing procedures and  
14 standards for its administration of this Section. Prior to the  
15 effective date of rules adopted under this Section, the Agency  
16 may conduct reviews of applications under this Section. The  
17 Agency may publish informal guidelines concerning this Section  
18 to provide guidance.

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

20           (415 ILCS 5/58.15)

21           Sec. 58.15. Brownfields Programs.

22           (A) Brownfields Redevelopment Loan Program.

23           (a) The Agency shall establish and administer a revolving  
24 loan program to be known as the "Brownfields Redevelopment Loan  
25 Program" for the purpose of providing loans to be used for site

1 investigation, site remediation, or both, at brownfields  
2 sites. All principal, interest, and penalty payments from loans  
3 made under this subsection (A) shall be deposited into the  
4 Brownfields Redevelopment Fund and reused in accordance with  
5 this Section.

6 (b) General requirements for loans:

7 (1) Loans shall be at or below market interest rates in  
8 accordance with a formula set forth in regulations  
9 promulgated under subdivision (A)(c) of this subsection  
10 (A).

11 (2) Loans shall be awarded subject to availability of  
12 funding based on the order of receipt of applications  
13 satisfying all requirements as set forth in the regulations  
14 promulgated under subdivision (A)(c) of this subsection  
15 (A).

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

18 (4) In addition to any requirements or conditions  
19 placed on loans by regulation, loan agreements under the  
20 Brownfields Redevelopment Loan Program shall include the  
21 following requirements:

22 (A) the loan recipient shall secure the loan  
23 repayment obligation;

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

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

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

5 (6) If the loan recipient fails to make timely payments  
6 or otherwise fails to meet its obligations as provided in  
7 this subsection (A) or implementing regulations, the  
8 Agency is authorized to pursue the collection of the  
9 amounts past due, the outstanding loan balance, and the  
10 costs thereby incurred, either pursuant to the Illinois  
11 State Collection Act of 1986 or by any other means provided  
12 by law, including the taking of title, by foreclosure or  
13 otherwise, to any project or other property pledged,  
14 mortgaged, encumbered, or otherwise available as security  
15 or collateral.

16 (c) The Agency shall have the authority to enter into any  
17 contracts or agreements that may be necessary to carry out its  
18 duties or responsibilities under this subsection (A). The  
19 Agency shall have the authority to promulgate regulations  
20 setting forth procedures and criteria for administering the  
21 Brownfields Redevelopment Loan Program. The regulations  
22 promulgated by the Agency for loans under this subsection (A)  
23 shall include, but need not be limited to, the following  
24 elements:

25 (1) loan application requirements;

26 (2) determination of credit worthiness of the loan

1 applicant;

2 (3) types of security required for the loan;

3 (4) types of collateral, as necessary, that can be  
4 pledged for the loan;

5 (5) special loan terms, as necessary, for securing the  
6 repayment of the loan;

7 (6) maximum loan amounts;

8 (7) purposes for which loans are available;

9 (8) application periods and content of applications;

10 (9) procedures for Agency review of loan applications,  
11 loan approvals or denials, and loan acceptance by the loan  
12 recipient;

13 (10) procedures for establishing interest rates;

14 (11) requirements applicable to disbursement of loans  
15 to loan recipients;

16 (12) requirements for securing loan repayment  
17 obligations;

18 (13) conditions or circumstances constituting default;

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

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

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

26 (17) requirements applicable to contracting and

1 subcontracting by the loan recipient, including  
2 procurement requirements;

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

6 (19) indemnification of the State of Illinois and the  
7 Agency by the loan recipient.

8 (d) Moneys in the Brownfields Redevelopment Fund may be  
9 used as a source of revenue or security for the principal and  
10 interest on revenue or general obligation bonds issued by the  
11 State or any political subdivision or instrumentality thereof,  
12 if the proceeds of those bonds will be deposited into the Fund.

13 (B) Brownfields Site Restoration Program.

14 (a) (1) The Agency, ~~with the assistance of the Department~~  
15 ~~of Commerce and Economic Opportunity,~~ must establish and  
16 administer a program for the payment of remediation costs  
17 to be known as the Brownfields Site Restoration Program.  
18 The Agency, through the Program, shall provide Remediation  
19 Applicants with financial assistance for the investigation  
20 and remediation of abandoned or underutilized properties.  
21 The investigation and remediation shall be performed in  
22 accordance with this Title XVII of this Act.

23 (2) For each State fiscal year in which funds are made  
24 available to the Agency for payment under this subsection  
25 (B), the Agency must, subject to the availability of funds,

1 allocate 20% of the funds to be available to Remediation  
2 Applicants within counties with populations over  
3 2,000,000. The remaining funds must be made available to  
4 all other Remediation Applicants in the State.

5 (3) The Agency must not approve payment in excess of  
6 \$750,000 to a Remediation Applicant for remediation costs  
7 incurred at a remediation site. Eligibility must be  
8 determined based on a minimum capital investment in the  
9 redevelopment of the site, and payment amounts must not  
10 exceed the net economic benefit to the State of the  
11 remediation project. In addition to these limitations, the  
12 total payment to be made to an applicant must not exceed an  
13 amount equal to 20% of the capital investment at the site.

14 (4) Only those remediation projects for which a No  
15 Further Remediation Letter is issued by the Agency after  
16 December 31, 2001 are eligible to participate in the  
17 Brownfields Site Restoration Program. The program does not  
18 apply to any sites that have received a No Further  
19 Remediation Letter prior to December 31, 2001 or for costs  
20 incurred prior to the Agency ~~Department of Commerce and~~  
21 ~~Economic Opportunity (formerly Department of Commerce and~~  
22 ~~Community Affairs)~~ approving a site eligible for the  
23 Brownfields Site Restoration Program.

24 (5) Brownfields Site Restoration Program funds shall  
25 be subject to availability of funding and distributed based  
26 on the order of receipt of applications satisfying all

1 requirements as set forth in this Section.

2 (b) Prior to applying to the Agency for payment, a  
3 Remediation Applicant shall first submit to the Agency its  
4 proposed remediation costs. The Agency shall make a  
5 pre-application assessment, which is not to be binding upon ~~the~~  
6 ~~Department of Commerce and Economic Opportunity~~ or upon future  
7 review of the project, relating only to whether the Agency has  
8 adequate funding to reimburse the applicant for the remediation  
9 costs if the applicant is found to be eligible for  
10 reimbursement of remediation costs. If the Agency determines  
11 that it is likely to have adequate funding to reimburse the  
12 applicant for remediation costs, the Remediation Applicant may  
13 then submit to the Agency ~~Department of Commerce and Economic~~  
14 ~~Opportunity~~ an application for review of eligibility. The  
15 Agency ~~Department~~ must review the eligibility application to  
16 determine whether the Remediation Applicant is eligible for the  
17 payment. The application must be on forms prescribed and  
18 provided by the Agency ~~Department of Commerce and Economic~~  
19 ~~Opportunity~~. At a minimum, the application must include the  
20 following:

21 (1) Information identifying the Remediation Applicant  
22 and the site for which the payment is being sought and the  
23 date of acceptance into the Site Remediation Program.

24 (2) Information demonstrating that the site for which  
25 the payment is being sought is abandoned or underutilized  
26 property. "Abandoned property" means real property

1 previously used for, or that has the potential to be used  
2 for, commercial or industrial purposes that reverted to the  
3 ownership of the State, a county or municipal government,  
4 or an agency thereof, through donation, purchase, tax  
5 delinquency, foreclosure, default, or settlement,  
6 including conveyance by deed in lieu of foreclosure; or  
7 privately owned property that has been vacant for a period  
8 of not less than 3 years from the time an application is  
9 made to the Agency ~~Department of Commerce and Economic~~  
10 ~~Opportunity~~. "Underutilized property" means real property  
11 of which less than 35% of the commercially usable space of  
12 the property and improvements thereon are used for their  
13 most commercially profitable and economically productive  
14 uses.

15 (3) Information demonstrating that remediation of the  
16 site for which the payment is being sought will result in a  
17 net economic benefit to the State of Illinois. The "net  
18 economic benefit" must be determined based on factors  
19 including, but not limited to, the capital investment, the  
20 number of jobs created, the number of jobs retained if it  
21 is demonstrated the jobs would otherwise be lost, capital  
22 improvements, the number of construction-related jobs,  
23 increased sales, material purchases, other increases in  
24 service and operational expenditures, and other factors  
25 established by the Agency ~~Department of Commerce and~~  
26 ~~Economic Opportunity~~. Priority must be given to sites



1 located in areas with high levels of poverty, where the  
2 unemployment rate exceeds the State average, where an  
3 enterprise zone exists, or where the area is otherwise  
4 economically depressed as determined by the Agency  
5 ~~Department of Commerce and Economic Opportunity~~.

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

9 (c) The fee for eligibility reviews conducted by the Agency  
10 ~~Department of Commerce and Economic Opportunity~~ under this  
11 subsection (B) is \$1,000 for each site reviewed. The  
12 application fee must be made payable to the Agency ~~Department~~  
13 ~~of Commerce and Economic Opportunity~~ for deposit into the  
14 Brownfields Redevelopment Workforce, Technology, and Economic  
15 ~~Development~~ Fund. These application fees shall be used by the  
16 Agency ~~Department~~ for administrative expenses incurred under  
17 this subsection (B).

18 (d) Within 60 days after receipt by the Agency ~~Department~~  
19 ~~of Commerce and Economic Opportunity~~ of an application meeting  
20 the requirements of subdivision (B)(b), the Agency ~~Department~~  
21 ~~of Commerce and Economic Opportunity~~ must issue a letter to the  
22 applicant approving the application, approving the application  
23 with modifications, or disapproving the application. If the  
24 application is approved or approved with modifications, the  
25 Agency's ~~Department of Commerce and Economic Opportunity's~~  
26 letter must also include its determination of the "net economic

1 benefit" of the remediation project and the maximum amount of  
2 the payment to be made available to the applicant for  
3 remediation costs. The payment by the Agency under this  
4 subsection (B) must not exceed the "net economic benefit" of  
5 the remediation project, ~~as determined by the Department of~~  
6 ~~Commerce and Economic Opportunity.~~

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

- 24 (1) Information identifying the Remediation Applicant  
25 and the site for which the payment is being sought and the  
26 date of acceptance of the site into the Site Remediation

1 Program.

2 (2) A copy of the No Further Remediation Letter with  
3 official verification that the letter has been recorded in  
4 the chain of title for the site and a demonstration that  
5 the site for which the application is submitted is the same  
6 site as the one for which the No Further Remediation Letter  
7 is issued.

8 (3) A demonstration that the release of the regulated  
9 substances of concern for which the No Further Remediation  
10 Letter was issued was not caused or contributed to in any  
11 material respect by the Remediation Applicant. The Agency  
12 must make determinations as to reimbursement availability  
13 consistent with rules adopted by the Pollution Control  
14 Board for the administration and enforcement of Section  
15 58.9 of this Act.

16 (4) A copy of the Agency's ~~Department of Commerce and~~  
17 ~~Economic Opportunity's~~ letter approving eligibility,  
18 including the net economic benefit of the remediation  
19 project.

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

22 (6) A demonstration that the costs incurred are  
23 remediation costs as defined in this Act and rules adopted  
24 under this Act.

25 (7) A demonstration that the costs submitted for review  
26 were incurred by the Remediation Applicant who received the

1 No Further Remediation Letter.

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

5 (9) Any other information deemed appropriate by the  
6 Agency.

7 (f) An application for review of remediation costs may be  
8 submitted to the Agency prior to the issuance of a No Further  
9 Remediation Letter if the Remediation Applicant has a Remedial  
10 Action Plan approved by the Agency under the terms of which the  
11 Remediation Applicant will remediate groundwater for more than  
12 one year. The Agency must review the application to determine  
13 whether the costs submitted are remediation costs and whether  
14 the costs incurred are reasonable. The application must be on  
15 forms prescribed and provided by the Agency. At a minimum, the  
16 application must include the following:

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

21 (2) A copy of the Agency letter approving the Remedial  
22 Action Plan.

23 (3) A demonstration that the release of the regulated  
24 substances of concern for which the Remedial Action Plan  
25 was approved was not caused or contributed to in any  
26 material respect by the Remediation Applicant. The Agency

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

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

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

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

14 (7) A demonstration that the costs submitted for review  
15 were incurred by the Remediation Applicant who received  
16 approval of the Remediation Action Plan.

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

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

22 (g) For a Remediation Applicant seeking a payment under  
23 subdivision (B)(f), until the Agency issues a No Further  
24 Remediation Letter for the site, no more than 75% of the  
25 allowed payment may be claimed by the Remediation Applicant.  
26 The remaining 25% may be claimed following the issuance by the

1 Agency of a No Further Remediation Letter for the site. For a  
2 Remediation Applicant seeking a payment under subdivision  
3 (B) (e), until the Agency issues a No Further Remediation Letter  
4 for the site, no payment may be claimed by the Remediation  
5 Applicant.

6 (h) (1) Within 60 days after receipt by the Agency of an  
7 application meeting the requirements of subdivision (B) (e)  
8 or (B) (f), the Agency must issue a letter to the applicant  
9 approving, disapproving, or modifying the remediation  
10 costs submitted in the application. If an application is  
11 disapproved or approved with modification of remediation  
12 costs, then the Agency's letter must set forth the reasons  
13 for the disapproval or modification.

14 (2) If a preliminary review of a budget plan has been  
15 obtained under subdivision (B) (i), the Remediation  
16 Applicant may submit, with the application and supporting  
17 documentation under subdivision (B) (e) or (B) (f), a copy of  
18 the Agency's final determination accompanied by a  
19 certification that the actual remediation costs incurred  
20 for the development and implementation of the Remedial  
21 Action Plan are equal to or less than the costs approved in  
22 the Agency's final determination on the budget plan. The  
23 certification must be signed by the Remediation Applicant  
24 and notarized. Based on that submission, the Agency is not  
25 required to conduct further review of the costs incurred  
26 for development and implementation of the Remedial Action

1 Plan and may approve costs as submitted.

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

7 (i) (1) A Remediation Applicant may obtain a preliminary  
8 review of estimated remediation costs for the development  
9 and implementation of the Remedial Action Plan by  
10 submitting a budget plan along with the Remedial Action  
11 Plan. The budget plan must be set forth on forms prescribed  
12 and provided by the Agency and must include, but is not  
13 limited to, line item estimates of the costs associated  
14 with each line item (such as personnel, equipment, and  
15 materials) that the Remediation Applicant anticipates will  
16 be incurred for the development and implementation of the  
17 Remedial Action Plan. The Agency must review the budget  
18 plan along with the Remedial Action Plan to determine  
19 whether the estimated costs submitted are remediation  
20 costs and whether the costs estimated for the activities  
21 are reasonable.

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

26 (3) The budget plan must be accompanied by the

1 applicable fee as set forth in subdivision (B) (j).

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

6 (5) Within the applicable period of review, the Agency  
7 must issue a letter to the Remediation Applicant approving,  
8 disapproving, or modifying the estimated remediation costs  
9 submitted in the budget plan. If a budget plan is  
10 disapproved or approved with modification of estimated  
11 remediation costs, the Agency's letter must set forth the  
12 reasons for the disapproval or modification.

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

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

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

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

26 The application fee and the fee for the review of the



1 budget plan must be made payable to the State of Illinois, for  
2 deposit into the Brownfields Redevelopment Fund.

3 (k) Moneys in the Brownfields Redevelopment Fund may be  
4 used for the purposes of this Section, including payment for  
5 the costs of administering this subsection (B). Any moneys  
6 remaining in the Brownfields Site Restoration Program Fund on  
7 the effective date of this amendatory Act of the 92nd General  
8 Assembly shall be transferred to the Brownfields Redevelopment  
9 Fund. Total payments made to all Remediation Applicants by the  
10 Agency for purposes of this subsection (B) must not exceed  
11 \$1,000,000 in State fiscal year 2002.

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

16 (m) Within 6 months after the effective date of this  
17 amendatory Act of 2002, the Department of Commerce and  
18 Community Affairs (now Department of Commerce and Economic  
19 Opportunity) and the Agency must propose rules prescribing  
20 procedures and standards for the administration of this  
21 subsection (B). Within 9 months after receipt of the proposed  
22 rules, the Board shall adopt on second notice, pursuant to  
23 Sections 27 and 28 of this Act and the Illinois Administrative  
24 Procedure Act, rules that are consistent with this subsection  
25 (B). Prior to the effective date of rules adopted under this  
26 subsection (B), the Department of Commerce and Community

1 Affairs (now Department of Commerce and Economic Opportunity)  
2 and the Agency may conduct reviews of applications under this  
3 subsection (B) and the Agency is further authorized to  
4 distribute guidance documents on costs that are eligible or  
5 ineligible as remediation costs.

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

7 (415 ILCS 5/6.1 rep.)

8 Section 950. The Environmental Protection Act is amended by  
9 repealing Section 6.1.

10 Section 955. The Solid Waste Planning and Recycling Act is  
11 amended by changing Section 7 as follows:

12 (415 ILCS 15/7) (from Ch. 85, par. 5957)

13 Sec. 7. (a) Each county shall begin implementation of its  
14 waste management plan, including the recycling program, within  
15 one year of adoption of the plan. The county may enter into  
16 written agreements with other persons, including a  
17 municipality or persons transporting municipal waste on the  
18 effective date of this Act, pursuant to which the persons  
19 undertake to fulfill some or all of the county's  
20 responsibilities under this Act. A person who enters into an  
21 agreement shall be responsible with the county for the  
22 implementation of such programs.

23 (b) In implementing the recycling program, consideration

1 for the collection, marketing and disposition of recyclable  
2 materials shall be given to persons engaged in the business of  
3 recycling within the county on the effective date of this Act,  
4 whether or not the persons were operating for profit.

5 If a township within the county is operating a recycling  
6 program on the effective date of the plan which substantially  
7 conforms with or exceeds the requirements of the recycling  
8 program included in the plan, the township may continue to  
9 operate its recycling program, and such operation shall  
10 constitute, within the township, implementation of the  
11 recycling program included in the plan. A township may at any  
12 time adopt and implement a recycling program that is more  
13 stringent than that required by the county waste management  
14 plan.

15 (c) The Agency ~~Department~~ shall assist counties in  
16 implementing recycling programs under this Act, and may,  
17 pursuant to appropriation, make grants and loans from the Solid  
18 Waste Management Fund to counties or other units of local  
19 government for that purpose, to be used for capital assistance  
20 or for the payment of recycling diversion credits or for other  
21 recycling program purposes, in accordance with such guidelines  
22 as may be adopted by the Agency ~~Department~~.

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

24 (415 ILCS 15/8 rep.)

25 (415 ILCS 15/8.5 rep.)

1 Section 960. The Solid Waste Planning and Recycling Act is  
2 amended by repealing Sections 8 and 8.5.

3 Section 965. The Illinois Solid Waste Management Act is  
4 amended by changing Sections 2.1, 3, 3.1, 5, 6, 6a, 7, and 8 as  
5 follows:

6 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

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

10 "Agency" means the Environmental Protection Agency.

11 "Department", when a particular entity is not specified,  
12 means (i) in the case of a function to be performed on or after  
13 July 1, 1995 (the effective date of the Department of Natural  
14 Resources Act) and until the effective date of this amendatory  
15 Act of the 100th General Assembly, the Department of Commerce  
16 and Community Affairs (now Department of Commerce and Economic  
17 Opportunity), as successor to the former Department of Energy  
18 and Natural Resources under the Department of Natural Resources  
19 Act; or (ii) in the case of a function required to be performed  
20 before July 1, 1995, the former Illinois Department of Energy  
21 and Natural Resources.

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

24 "End product" means only those items that are designed to

1 be used until disposal; items designed to be used in production  
2 of a subsequent item are excluded.

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

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

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

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

1 residues such as bark.

2 "Recycled paperboard" includes recycled paperboard  
3 products, folding cartons and pad backing.

4 "Recycling" means the process by which solid waste is  
5 collected, separated and processed for reuse as either a raw  
6 material or a product which itself is subject to recycling, but  
7 does not include the combustion of waste for energy recovery or  
8 volume reduction.

9 "Tissue products" includes toilet tissue, paper towels,  
10 paper napkins, facial tissue, paper doilies, industrial  
11 wipers, paper bags and brown papers.

12 "Unbleached packaging" includes corrugated and fiber  
13 boxes.

14 "USEPA Guidelines for federal procurement" means all  
15 minimum recycled content standards recommended by the U.S.  
16 Environmental Protection Agency.

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

18 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

19 Sec. 3. State agency materials recycling program.

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

24 (a-5) All State agencies responsible for the maintenance of  
25 public lands in the State shall review its procurement

1 specifications and policies to determine (1) if incorporating  
2 compost materials will help reduce stormwater run-off and  
3 increase infiltration of moisture in land maintenance  
4 activities and (2) the current recycled content usage and  
5 potential for additional recycled content usage by the Agency  
6 in land maintenance activities and report to the General  
7 Assembly by December 15, 2015.

8 (b) The Department of Central Management Services, in  
9 coordination with the Agency ~~Department of Commerce and~~  
10 ~~Economic Opportunity~~, shall implement waste reduction  
11 programs, including source separation and collection, for  
12 office wastepaper, corrugated containers, newsprint and mixed  
13 paper, in all State buildings as appropriate and feasible. Such  
14 waste reduction programs shall be designed to achieve waste  
15 reductions of at least 25% of all such waste by December 31,  
16 1995, and at least 50% of all such waste by December 31, 2000.  
17 Any source separation and collection program shall include, at  
18 a minimum, procedures for collecting and storing recyclable  
19 materials, bins or containers for storing materials, and  
20 contractual or other arrangements with buyers of recyclable  
21 materials. If market conditions so warrant, the Department of  
22 Central Management Services, in coordination with the Agency  
23 ~~Department of Commerce and Economic Opportunity~~, may modify  
24 programs developed pursuant to this Section.

25 The Department of Commerce and Community Affairs (now  
26 Department of Commerce and Economic Opportunity) shall conduct

1 waste categorization studies of all State facilities for  
2 calendar years 1991, 1995 and 2000. Such studies shall be  
3 designed to assist the Department of Central Management  
4 Services to achieve the waste reduction goals established in  
5 this subsection.

6 (c) Each State agency shall, upon consultation with the  
7 Agency ~~Department of Commerce and Economic Opportunity,~~  
8 periodically review its procurement procedures and  
9 specifications related to the purchase of products or supplies.  
10 Such procedures and specifications shall be modified as  
11 necessary to require the procuring agency to seek out products  
12 and supplies that contain recycled materials, and to ensure  
13 that purchased products or supplies are reusable, durable or  
14 made from recycled materials whenever economically and  
15 practically feasible. In choosing among products or supplies  
16 that contain recycled material, consideration shall be given to  
17 products and supplies with the highest recycled material  
18 content that is consistent with the effective and efficient use  
19 of the product or supply.

20 (d) Wherever economically and practically feasible, the  
21 Department of Central Management Services shall procure  
22 recycled paper and paper products as follows:

23 (1) Beginning July 1, 1989, at least 10% of the total  
24 dollar value of paper and paper products purchased by the  
25 Department of Central Management Services shall be  
26 recycled paper and paper products.



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

5           (3) Beginning July 1, 1996, at least 40% of the total  
6           dollar value of paper and paper products purchased by the  
7           Department of Central Management Services shall be  
8           recycled paper and paper products.

9           (4) Beginning July 1, 2000, at least 50% of the total  
10          dollar value of paper and paper products purchased by the  
11          Department of Central Management Services shall be  
12          recycled paper and paper products.

13          (e) Paper and paper products purchased from private vendors  
14          pursuant to printing contracts are not considered paper  
15          products for the purposes of subsection (d). However, the  
16          Department of Central Management Services shall report to the  
17          General Assembly on an annual basis the total dollar value of  
18          printing contracts awarded to private sector vendors that  
19          included the use of recycled paper.

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

25                  (i) Recycled high grade printing and writing paper  
26                  shall contain at least 50% recovered paper material.

1           Such recovered paper material, until July 1, 1994,  
2           shall consist of at least 20% deinked stock or  
3           postconsumer material; and beginning July 1, 1994,  
4           shall consist of at least 25% deinked stock or  
5           postconsumer material; and beginning July 1, 1996,  
6           shall consist of at least 30% deinked stock or  
7           postconsumer material; and beginning July 1, 1998,  
8           shall consist of at least 40% deinked stock or  
9           postconsumer material; and beginning July 1, 2000,  
10          shall consist of at least 50% deinked stock or  
11          postconsumer material.

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

20           (iii) Recycled newsprint, until July 1, 1994,  
21          shall contain at least 40% postconsumer material; and  
22          beginning July 1, 1994, shall contain at least 50%  
23          postconsumer material; and beginning July 1, 1996,  
24          shall contain at least 60% postconsumer material; and  
25          beginning July 1, 1998, shall contain at least 70%  
26          postconsumer material; and beginning July 1, 2000,

1 shall contain at least 80% postconsumer material.

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

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

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

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

26 (ii) all paper, paperboard, and fibrous wastes

1           that are diverted or separated from the municipal solid  
2           waste stream.

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

5                   (i) postconsumer material;

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

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

20           (g) The Department of Central Management Services may adopt  
21           regulations to carry out the provisions and purposes of this  
22           Section.

23           (h) Every State agency shall, in its procurement documents,  
24           specify that, whenever economically and practically feasible,  
25           a product to be procured must consist, wholly or in part, of  
26           recycled materials, or be recyclable or reusable in whole or in

1 part. When applicable, if state guidelines are not already  
2 prescribed, State agencies shall follow USEPA guidelines for  
3 federal procurement.

4 (i) All State agencies shall cooperate with the Department  
5 of Central Management Services in carrying out this Section.  
6 The Department of Central Management Services may enter into  
7 cooperative purchasing agreements with other governmental  
8 units in order to obtain volume discounts, or for other reasons  
9 in accordance with the Governmental Joint Purchasing Act, or in  
10 accordance with the Intergovernmental Cooperation Act if  
11 governmental units of other states or the federal government  
12 are involved.

13 (j) The Department of Central Management Services shall  
14 submit an annual report to the General Assembly concerning its  
15 implementation of the State's collection and recycled paper  
16 procurement programs. This report shall include a description  
17 of the actions that the Department of Central Management  
18 Services has taken in the previous fiscal year to implement  
19 this Section. This report shall be submitted on or before  
20 November 1 of each year.

21 (k) The Department of Central Management Services, in  
22 cooperation with all other appropriate departments and  
23 agencies of the State, shall institute whenever economically  
24 and practically feasible the use of re-refined motor oil in all  
25 State-owned motor vehicles and the use of remanufactured and  
26 retread tires whenever such use is practical, beginning no

1 later than July 1, 1992.

2 (l) (Blank).

3 (m) The Department of Central Management Services, in  
4 coordination with the Department of Commerce and Community  
5 Affairs (now Department of Commerce and Economic Opportunity),  
6 has implemented an aluminum can recycling program in all State  
7 buildings within 270 days of the effective date of this  
8 amendatory Act of 1997. The program provides for (1) the  
9 collection and storage of used aluminum cans in bins or other  
10 appropriate containers made reasonably available to occupants  
11 and visitors of State buildings and (2) the sale of used  
12 aluminum cans to buyers of recyclable materials.

13 Proceeds from the sale of used aluminum cans shall be  
14 deposited into I-CYCLE accounts maintained in the State Surplus  
15 Property Revolving Fund and, subject to appropriation, shall be  
16 used by the Department of Central Management Services and any  
17 other State agency to offset the costs of implementing the  
18 aluminum can recycling program under this Section.

19 All State agencies having an aluminum can recycling program  
20 in place shall continue with their current plan. If a State  
21 agency has an existing recycling program in place, proceeds  
22 from the aluminum can recycling program may be retained and  
23 distributed pursuant to that program, otherwise all revenue  
24 resulting from these programs shall be forwarded to Central  
25 Management Services, I-CYCLE for placement into the  
26 appropriate account within the State Surplus Property

1 Revolving Fund, minus any operating costs associated with the  
2 program.

3 (Source: P.A. 99-34, eff. 7-14-15; 99-543, eff. 1-1-17.)

4 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

5 Sec. 3.1. Institutions of higher learning.

6 (a) For purposes of this Section "State-supported  
7 institutions of higher learning" or "institutions" means the  
8 University of Illinois, Southern Illinois University, the  
9 colleges and universities under the jurisdiction of the Board  
10 of Governors of State Colleges and Universities, the colleges  
11 and universities under the jurisdiction of the Board of Regents  
12 of Regency Universities, and the public community colleges  
13 subject to the Public Community College Act.

14 (b) Each State-supported institution of higher learning  
15 shall develop a comprehensive waste reduction plan covering a  
16 period of 10 years which addresses the management of solid  
17 waste generated by academic, administrative, student housing  
18 and other institutional functions. The waste reduction plan  
19 shall be developed by January 1, 1995. The initial plan  
20 required under this Section shall be updated by the institution  
21 every 5 years, and any proposed amendments to the plan shall be  
22 submitted for review in accordance with subsection (f).

23 (c) Each waste reduction plan shall address, at a minimum,  
24 the following topics: existing waste generation by volume,  
25 waste composition, existing waste reduction and recycling

1 activities, waste collection and disposal costs, future waste  
2 management methods, and specific goals to reduce the amount of  
3 waste generated that is subject to landfill disposal.

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

16 (e) Each waste reduction plan shall evaluate the  
17 institution's procurement policies and practices to eliminate  
18 procedures which discriminate against items with recycled  
19 content, and to identify products or items which are procured  
20 by the institution on a frequent or repetitive basis for which  
21 products with recycled content may be substituted. Each waste  
22 reduction plan shall prescribe that it will be the policy of  
23 the institution to purchase products with recycled content  
24 whenever such products have met specifications and standards of  
25 equivalent products which do not contain recycled content.

26 (f) Each waste reduction plan developed in accordance with



1 this Section shall be submitted to the Agency ~~Department of~~  
2 ~~Commerce and Economic Opportunity~~ for review and approval. The  
3 Agency's ~~Department's~~ review shall be conducted in cooperation  
4 with the Board of Higher Education and the Illinois Community  
5 College Board.

6 (g) The Agency ~~Department of Commerce and Economic~~  
7 ~~Opportunity~~ shall provide technical assistance, technical  
8 materials, workshops and other information necessary to assist  
9 in the development and implementation of the waste reduction  
10 plans. The Agency ~~Department~~ shall develop guidelines and  
11 funding criteria for providing grant assistance to  
12 institutions for the implementation of approved waste  
13 reduction plans.

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

15 (415 ILCS 20/5) (from Ch. 111 1/2, par. 7055)

16 Sec. 5. Informational Clearinghouse. The ~~Department of~~  
17 ~~Commerce and Economic Opportunity, in cooperation with the~~  
18 Environmental Protection Agency~~7~~ shall maintain a central  
19 clearinghouse of information regarding the implementation of  
20 this Act. In particular, this clearinghouse shall include data  
21 regarding solid waste research and planning, solid waste  
22 management practices, markets for recyclable materials and  
23 intergovernmental cooperation.

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

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

2 Sec. 6. The Agency ~~Department of Commerce and Economic~~  
3 ~~Opportunity~~ shall be the lead agency for implementation of this  
4 Act and shall have the following powers:

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

16 (b) (Blank). ~~To provide technical assistance in siting~~  
17 ~~pollution control facilities, defined as any waste storage~~  
18 ~~site, sanitary landfill, waste disposal site, waste transfer~~  
19 ~~station or waste incinerator.~~

20 (c) To provide loans or recycling and composting grants to  
21 businesses and not-for-profit and governmental organizations  
22 for the purposes of increasing the quantity of materials  
23 recycled or composted in Illinois; developing and implementing  
24 innovative recycling methods and technologies; developing and  
25 expanding markets for recyclable materials; and increasing the  
26 self-sufficiency of the recycling industry in Illinois. The

1 ~~Agency Department~~ shall work with and coordinate its activities  
2 with existing for-profit and not-for-profit collection and  
3 recycling systems to encourage orderly growth in the supply of  
4 and markets for recycled materials and to assist existing  
5 collection and recycling efforts.

6 The ~~Agency Department~~ shall develop a public education  
7 program concerning the importance of both composting and  
8 recycling in order to preserve landfill space in Illinois.

9 (d) To establish guidelines and funding criteria for the  
10 solicitation of projects under this Act, and to receive and  
11 evaluate applications for loans or grants for solid waste  
12 management projects based upon such guidelines and criteria.  
13 Funds may be loaned with or without interest.

14 (e) To support and coordinate solid waste research in  
15 Illinois, and to approve the annual solid waste research agenda  
16 prepared by the University of Illinois.

17 (f) To provide loans or grants for research, development  
18 and demonstration of innovative technologies and practices,  
19 including but not limited to pilot programs for collection and  
20 disposal of household wastes.

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

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

26 The ~~Agency Department~~ is authorized to accept any and all

1 grants, repayments of interest and principal on loans, matching  
2 funds, reimbursements, appropriations, income derived from  
3 investments, or other things of value from the federal or state  
4 governments or from any institution, person, partnership,  
5 joint venture, corporation, public or private.

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

13 (Source: P.A. 94-91, eff. 7-1-05.)

14 (415 ILCS 20/6a) (from Ch. 111 1/2, par. 7056a)

15 Sec. 6a. The Agency ~~Department of Commerce and Economic~~  
16 ~~Opportunity~~ shall:

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

23 (2) Work with nationally based consumer groups and  
24 trade associations to develop nationally recognized  
25 criteria for determining under what conditions the logos

1           may be used.

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

6           (4) Develop and prepare educational materials  
7 describing the benefits and methods of recycling for  
8 distribution to elementary schools in Illinois.

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

10           (415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

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

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

23           The Department shall investigate the suitability and  
24 advisability of providing tax incentives for Illinois  
25 businesses to use recycled products and purchase or lease

1 recycling equipment, and shall report to the Governor and the  
2 General Assembly by January 1, 1987, on the results of this  
3 investigation.

4 By July 1, 1989, the Department shall submit to the  
5 Governor and members of the General Assembly a waste reduction  
6 report:

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

16 (b) that includes specific recommendations to  
17 stimulate and enhance waste reduction in the industrial and  
18 consumer sector, including, but not limited to,  
19 legislation, financial incentives and disincentives, and  
20 public education.

21 The Agency ~~Department of Commerce and Economic~~  
22 ~~Opportunity~~, with the cooperation of the State Board of  
23 Education, ~~the Illinois Environmental Protection Agency~~, and  
24 others as needed, shall develop, coordinate and conduct an  
25 education program for solid waste management and recycling. The  
26 program shall include, but not be limited to, education for the

1 general public, businesses, government, educators and  
2 students.

3 The education program shall address, at a minimum, the  
4 following topics: the solid waste management alternatives of  
5 recycling, composting, and source reduction; resource  
6 allocation and depletion; solid waste planning; reuse of  
7 materials; pollution prevention; and household hazardous  
8 waste.

9 The Agency ~~Department of Commerce and Economic Opportunity~~  
10 shall cooperate with municipal and county governments,  
11 regional school superintendents, education service centers,  
12 local school districts, and planning agencies and committees to  
13 coordinate local and regional education programs and workshops  
14 and to expedite the exchange of technical information.

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

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

1 (415 ILCS 20/8)

2 Sec. 8. Recycling Economic Development Program. On or  
3 before March 1, 1994, the Department shall issue a Request for  
4 Proposals that invites individuals, not-for-profit  
5 corporations, and small businesses to submit proposals to  
6 develop enterprises that use secondary materials that are  
7 collected in municipal and business recycling programs for the  
8 manufacture of recycled-content products. Grants to qualified  
9 applicants shall not exceed \$50,000 for any one proposal. The  
10 Department shall provide grants in an amount not to exceed  
11 \$150,000 during any one fiscal year. The terms of the grants  
12 shall be determined by the Department. This program shall  
13 operate for a period not to exceed 2 years.

14 The Department shall give priority to proposals that will  
15 create small scale businesses in economically depressed areas.  
16 In determining the most viable proposals, the Department may  
17 consider, in addition to its regular market development program  
18 guidelines, the nature of the business, its capital needs,  
19 benefits to the community, program budget constraints, local  
20 financing opportunities, and the type of secondary material  
21 that will be used as feedstock in the reuse or remanufacturing  
22 process.

23 The Department shall hold at least 2 informational meetings  
24 in the State to publicize the existence of this recycling  
25 economic redevelopment Request for Proposals and shall provide  
26 technical assistance to any potential respondent desiring such



1 assistance. Grant recipients shall prepare and submit to the  
2 Department a one year progress report which the Department  
3 shall summarize and submit to the General Assembly along with  
4 recommendations on measures that the State can undertake to  
5 stimulate small-scale market development ventures,  
6 particularly in economically-depressed areas.

7 None of the provisions of this Section shall limit or  
8 affect other programs administered by the Agency ~~Department~~  
9 pursuant to this Act.

10 (Source: P.A. 91-357, eff. 7-29-99.)

11 Section 970. The Recycled Newsprint Use Act is amended by  
12 changing Sections 2002.03, 2004, 2005, 2007, 2008, 2010, 2011,  
13 2012, and 2013 as follows:

14 (415 ILCS 110/2002.03 new)

15 Sec. 2002.03. Agency. "Agency" means the Environmental  
16 Protection Agency.

17 (415 ILCS 110/2004) (from Ch. 96 1/2, par. 9754)

18 Sec. 2004. Consumer usage certification. Each consumer of  
19 newsprint within the State shall, on or before March 1 of each  
20 year, certify to the Agency ~~Department~~ the amount in tons of  
21 every type of newsprint used by the consumer of newsprint the  
22 previous year and the percentage of recycled fibers present in  
23 each type of newsprint, so that the Agency ~~Department~~ can

1 calculate the recycled fiber usage for that consumer of  
2 newsprint. All Illinois consumers of newsprint shall submit the  
3 first consumer usage certificate by March 1, 1992, for the  
4 calendar year 1991. Only consumers of newsprint who provide  
5 timely usage certificates shall receive credit for recycled  
6 fiber usage.

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

8 (415 ILCS 110/2005) (from Ch. 96 1/2, par. 9755)

9 Sec. 2005. Audit. Every consumer of newsprint who submits  
10 recycled fiber usage certification may be subject to an audit  
11 by the Agency ~~Department~~ to ensure that the recycled fiber  
12 percentage requirement was met.

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

14 (415 ILCS 110/2007) (from Ch. 96 1/2, par. 9757)

15 Sec. 2007. List identifying consumers and suppliers. For  
16 the purposes of implementing and enforcing this Act, the Agency  
17 ~~Department~~ shall develop and maintain a list that identifies  
18 every consumer of newsprint in Illinois and every person who  
19 supplies a consumer of newsprint with newsprint. The Agency  
20 ~~Department~~ may use information from local business permits,  
21 trade publications, or any other relevant information to  
22 develop the list.

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

1 (415 ILCS 110/2008) (from Ch. 96 1/2, par. 9758)

2 Sec. 2008. Comparable quality standards.

3 (a) For the purposes of implementing and enforcing this  
4 Act, the Agency ~~Department~~ shall set comparable quality  
5 standards for each of the grades of newsprint available from  
6 all suppliers of newsprint to determine the comparable quality  
7 of recycled content newsprint to virgin material. The standards  
8 shall be based on the average numerical standards of printing  
9 opacity, brightness level, and cross machine tear strength.

10 (b) The Agency ~~Department~~ shall review its standards at  
11 least once every 2 years and determine whether they should be  
12 adjusted to reflect changes in industry standards and  
13 practices, and if so, the Agency ~~Department~~ shall set new  
14 standards.

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

16 (415 ILCS 110/2010) (from Ch. 96 1/2, par. 9760)

17 Sec. 2010. Content of delivered newsprint. If any person  
18 knowingly provides a consumer of newsprint with a false or  
19 misleading certificate concerning the recycled fiber  
20 percentage of the delivered newsprint, the Agency ~~Department~~,  
21 within 30 days of making this determination, shall refer the  
22 false or misleading certificate to the Attorney General for  
23 prosecution for fraud.

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

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

2 Sec. 2011. Consumer use certificate. Any consumer of  
3 newsprint who knowingly provides the Agency ~~Department~~ with a  
4 false or misleading certificate concerning the percentage of  
5 recycled fiber used commits a Class C misdemeanor, and the  
6 Agency ~~Department~~, within 30 days of making this determination,  
7 shall refer the false or misleading certificate to the Attorney  
8 General for prosecution.

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

10 (415 ILCS 110/2012) (from Ch. 96 1/2, par. 9762)

11 Sec. 2012. Prices; confidential proprietary information.  
12 Specific information on newsprint prices included as part of a  
13 certificate submitted to the Agency ~~Department~~ by newsprint  
14 consumers or suppliers is proprietary information and shall not  
15 be made available to the general public.

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

17 (415 ILCS 110/2013) (from Ch. 96 1/2, par. 9763)

18 Sec. 2013. Mandatory recycling.

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

23 (b) During the year 1994 every consumer of newsprint in  
24 Illinois shall be required to ensure that its recycled fiber

1 usage is at least 28%, unless he complies with subsection (c)  
2 or (d).

3 (c) If recycled content newsprint cannot be found that  
4 meets quality standards established by the Agency ~~Department~~,  
5 or if recycled content newsprint cannot be found in sufficient  
6 quantities to meet recycled fiber usage requirements within a  
7 given year, or if recycled newsprint cannot be found at a price  
8 comparable to that of newsprint made from 100% virgin fibers,  
9 the consumer of newsprint shall so certify to the Agency  
10 ~~Department~~ and provide the Agency ~~Department~~ with the specific  
11 reasons for failing to meet recycled fiber usage requirements.

12 (d) A consumer of newsprint who has made previous contracts  
13 with newsprint suppliers before January 1, 1991, may be exempt  
14 from the requirements of this Act if those requirements are in  
15 conflict with the agreements set forth in the contract. The  
16 consumer of newsprint must conform to the conditions of this  
17 Act immediately upon expiration or nullification of the  
18 contract. Contracts may not be entered into or renewed as an  
19 attempt to evade the requirements of this Act.

20 (e) Any consumer of newsprint who knowingly provides the  
21 Agency ~~Department~~ with a false or misleading certificate  
22 concerning why the consumer of newsprint was unable to obtain  
23 the minimum amount of recycled content newsprint needed to  
24 achieve the recycled fiber usage requirements, commits a Class  
25 C misdemeanor, and the Agency ~~Department~~, within 30 days of  
26 making this determination, shall refer the false or misleading

1 certificate to the Attorney General for prosecution.

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

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

6 Section 975. The Alternate Fuels Act is amended by changing  
7 Sections 15, 25, 31, and 32 as follows:

8 (415 ILCS 120/15)

9 Sec. 15. Rulemaking. The Agency shall promulgate rules and  
10 dedicate sufficient resources to implement the purposes of  
11 Section 30 of this Act. Such rules shall be consistent with the  
12 provisions of the Clean Air Act Amendments of 1990 and any  
13 regulations promulgated pursuant thereto. The Secretary of  
14 State may promulgate rules to implement Section 35 of this Act.  
15 The Agency ~~Department of Commerce and Economic Opportunity~~ may  
16 promulgate rules to implement Section 25 of this Act.

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

18 (415 ILCS 120/25)

19 Sec. 25. Ethanol fuel research program. The Agency may  
20 ~~Department of Commerce and Economic Opportunity shall~~  
21 administer a research program to reduce the costs of producing  
22 ethanol fuels and increase the viability of ethanol fuels, new  
23 ethanol engine technologies, and ethanol refueling

1 infrastructure. This research shall be funded from the  
2 Alternate Fuels Fund. The research program shall remain in  
3 effect, subject to appropriation after calendar year 2004, or  
4 until funds are no longer available.

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

6 (415 ILCS 120/31)

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

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

19 (415 ILCS 120/32)

20 Sec. 32. Clean Fuel Education Program. Subject to  
21 appropriation, the Agency ~~Department of Commerce and Economic~~  
22 ~~Opportunity~~, in cooperation with the ~~Agency and~~ Chicago Area  
23 Clean Cities, may ~~shall~~ administer the Clean Fuel Education  
24 Program, the purpose of which is to educate fleet

1 administrators and Illinois' citizens about the benefits of  
2 using alternate fuels. The program shall include a media  
3 campaign.

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

5 (815 ILCS 355/Act rep.)

6 Section 980. The Hot Water Heater Efficiency Act is  
7 repealed.

8 (815 ILCS 440/Act rep.)

9 Section 985. The Waste Oil Recovery Act is repealed.

10 Section 990. The Prevailing Wage Act is amended by changing  
11 Section 2 as follows:

12 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

19 As used in this Act, unless the context indicates  
20 otherwise:

21 "Public works" means all fixed works constructed or  
22 demolished by any public body, or paid for wholly or in part



1 out of public funds. "Public works" as defined herein includes  
2 all projects financed in whole or in part with bonds, grants,  
3 loans, or other funds made available by or through the State or  
4 any of its political subdivisions, including but not limited  
5 to: bonds issued under the Industrial Project Revenue Bond Act  
6 (Article 11, Division 74 of the Illinois Municipal Code), the  
7 Industrial Building Revenue Bond Act, the Illinois Finance  
8 Authority Act, the Illinois Sports Facilities Authority Act, or  
9 the Build Illinois Bond Act; loans or other funds made  
10 available pursuant to the Build Illinois Act; loans or other  
11 funds made available pursuant to the Riverfront Development  
12 Fund under Section 10-15 of the River Edge Redevelopment Zone  
13 Act; or funds from the Fund for Illinois' Future under Section  
14 6z-47 of the State Finance Act, funds for school construction  
15 under Section 5 of the General Obligation Bond Act, funds  
16 authorized under Section 3 of the School Construction Bond Act,  
17 funds for school infrastructure under Section 6z-45 of the  
18 State Finance Act, and funds for transportation purposes under  
19 Section 4 of the General Obligation Bond Act. "Public works"  
20 also includes (i) all projects financed in whole or in part  
21 with funds from the Environmental Protection Agency ~~Department~~  
22 ~~of Commerce and Economic Opportunity~~ under the Illinois  
23 Renewable Fuels Development Program Act for which there is no  
24 project labor agreement; (ii) all work performed pursuant to a  
25 public private agreement under the Public Private Agreements  
26 for the Illiana Expressway Act or the Public-Private Agreements

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

24 "Construction" means all work on public works involving  
25 laborers, workers or mechanics. This includes any maintenance,  
26 repair, assembly, or disassembly work performed on equipment

1 whether owned, leased, or rented.

2 "Locality" means the county where the physical work upon  
3 public works is performed, except (1) that if there is not  
4 available in the county a sufficient number of competent  
5 skilled laborers, workers and mechanics to construct the public  
6 works efficiently and properly, "locality" includes any other  
7 county nearest the one in which the work or construction is to  
8 be performed and from which such persons may be obtained in  
9 sufficient numbers to perform the work and (2) that, with  
10 respect to contracts for highway work with the Department of  
11 Transportation of this State, "locality" may at the discretion  
12 of the Secretary of the Department of Transportation be  
13 construed to include two or more adjacent counties from which  
14 workers may be accessible for work on such construction.

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

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 which  
5 the work is being performed, to employees engaged in work of a  
6 similar character on public works.

7 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;  
8 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.  
9 7-16-14.)

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

12 Section 9999. Effective date. This Act takes effect upon  
13 becoming law.

1 INDEX  
2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 627/15  
5 20 ILCS 627/20  
6 20 ILCS 687/6-3  
7 20 ILCS 687/6-4  
8 20 ILCS 687/6-5  
9 20 ILCS 687/6-5.5  
10 20 ILCS 687/6-6  
11 20 ILCS 689/5  
12 20 ILCS 689/10  
13 20 ILCS 689/15  
14 20 ILCS 689/25  
15 20 ILCS 689/30  
16 20 ILCS 1105/1 from Ch. 96 1/2, par. 7401  
17 20 ILCS 1105/3 from Ch. 96 1/2, par. 7403  
18 20 ILCS 1115/4 from Ch. 96 1/2, par. 7604  
19 20 ILCS 1115/5 rep.  
20 20 ILCS 3125/10  
21 20 ILCS 3125/15  
22 20 ILCS 3125/25  
23 20 ILCS 3125/30  
24 20 ILCS 3954/20  
25 105 ILCS 5/10-20.19c from Ch. 122, par. 10-20.19c

1	105 ILCS 5/34-18.15	from Ch. 122, par. 34-18.15
2	415 ILCS 5/21.6	from Ch. 111 1/2, par. 1021.6
3	415 ILCS 5/22.15	from Ch. 111 1/2, par. 1022.15
4	415 ILCS 5/22.16b	from Ch. 111 1/2, par. 1022.16b
5	415 ILCS 5/22.23	from Ch. 111 1/2, par. 1022.23
6	415 ILCS 5/55.3	from Ch. 111 1/2, par. 1055.3
7	415 ILCS 5/55.7	from Ch. 111 1/2, par. 1055.7
8	415 ILCS 5/58.14a	
9	415 ILCS 5/58.15	
10	415 ILCS 5/6.1 rep.	
11	415 ILCS 15/7	from Ch. 85, par. 5957
12	415 ILCS 15/8 rep.	
13	415 ILCS 15/8.5 rep.	
14	415 ILCS 20/2.1	from Ch. 111 1/2, par. 7052.1
15	415 ILCS 20/3	from Ch. 111 1/2, par. 7053
16	415 ILCS 20/3.1	from Ch. 111 1/2, par. 7053.1
17	415 ILCS 20/5	from Ch. 111 1/2, par. 7055
18	415 ILCS 20/6	from Ch. 111 1/2, par. 7056
19	415 ILCS 20/6a	from Ch. 111 1/2, par. 7056a
20	415 ILCS 20/7	from Ch. 111 1/2, par. 7057
21	415 ILCS 20/8	
22	415 ILCS 110/2002.03 new	
23	415 ILCS 110/2004	from Ch. 96 1/2, par. 9754
24	415 ILCS 110/2005	from Ch. 96 1/2, par. 9755
25	415 ILCS 110/2007	from Ch. 96 1/2, par. 9757
26	415 ILCS 110/2008	from Ch. 96 1/2, par. 9758

- 1 415 ILCS 110/2010 from Ch. 96 1/2, par. 9760
- 2 415 ILCS 110/2011 from Ch. 96 1/2, par. 9761
- 3 415 ILCS 110/2012 from Ch. 96 1/2, par. 9762
- 4 415 ILCS 110/2013 from Ch. 96 1/2, par. 9763
- 5 415 ILCS 120/15
- 6 415 ILCS 120/25
- 7 415 ILCS 120/31
- 8 415 ILCS 120/32
- 9 815 ILCS 355/Act rep.
- 10 815 ILCS 440/Act rep.
- 11 820 ILCS 130/2 from Ch. 48, par. 39s-2