

# SB3421



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3421

Introduced 2/14/2020, by Sen. Melinda Bush

#### SYNOPSIS AS INTRODUCED:

See Index

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

LRB101 17612 CPF 67037 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 this Act, and (3) have been duly adopted by  
14 the Department of Commerce and Economic Opportunity shall  
15 become the rules of the Environmental Protection Agency. This  
16 Act does not affect the legality of any such rules in the  
17 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 this Act shall be deemed to have been filed by the  
24 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 Section 15 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 Section 910. The Renewable Energy, Energy Efficiency, and



1 Coal Resources Development Law of 1997 is amended by changing  
2 Sections 6-3, 6-4, 6-5, 6-5.5, and 6-6 as follows:

3 (20 ILCS 687/6-3)

4 (Section scheduled to be repealed on December 31, 2020)

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

6 (a) The Environmental Protection Agency ~~Department of~~  
7 ~~Commerce and Economic Opportunity~~, to be called the "Agency"  
8 "~~Department~~" hereinafter in this Law, shall administer the  
9 Renewable Energy Resources Program to provide grants, loans,  
10 and other incentives to foster investment in and the  
11 development and use of renewable energy resources.

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

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

23 (d) To the extent that funds are available and  
24 appropriated, the Agency ~~Department~~ shall provide grants,  
25 loans, and other incentives to applicants that meet the

1 criteria specified by the Agency Department.

2 (e) (Blank). ~~The Department shall conduct an annual study~~  
3 ~~on the use and availability of renewable energy resources in~~  
4 ~~Illinois. Each year, the Department shall submit a report on~~  
5 ~~the study to the General Assembly. This report shall include~~  
6 ~~suggestions for legislation which will encourage the~~  
7 ~~development and use of renewable energy resources.~~

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

19 (g) There is created the Energy Efficiency Investment Fund  
20 as a special fund in the State Treasury, to be administered by  
21 the Agency Department to support the development of  
22 technologies for wind, biomass, and solar power in Illinois.  
23 The Agency Department may accept private and public funds,  
24 including federal funds, for deposit into the Fund.

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

1 (20 ILCS 687/6-4)

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

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

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

6 (b) The Renewable Energy Resources Trust Fund shall be  
7 administered by the Agency Department to provide grants, loans,  
8 and other incentives to foster investment in and the  
9 development and use of renewable energy resources as provided  
10 in Section 6-3 of this Law or pursuant to the Illinois  
11 Renewable Fuels Development Program Act.

12 (c) All funds used by the Agency Department for the  
13 Renewable Energy Resources Program shall be subject to  
14 appropriation by the General Assembly.

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

16 (20 ILCS 687/6-5)

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

18 Sec. 6-5. Renewable Energy Resources and Coal Technology  
19 Development Assistance Charge.

20 (a) Notwithstanding the provisions of Section 16-111 of the  
21 Public Utilities Act but subject to subsection (e) of this  
22 Section, each public utility, electric cooperative, as defined  
23 in Section 3.4 of the Electric Supplier Act, and municipal  
24 utility, as referenced in Section 3-105 of the Public Utilities  
25 Act, that is engaged in the delivery of electricity or the

1 distribution of natural gas within the State of Illinois shall,  
2 effective January 1, 1998, assess each of its customer accounts  
3 a monthly Renewable Energy Resources and Coal Technology  
4 Development Assistance Charge. The delivering public utility,  
5 municipal electric or gas utility, or electric or gas  
6 cooperative for a self-assessing purchaser remains subject to  
7 the collection of the fee imposed by this Section. The monthly  
8 charge shall be as follows:

9 (1) \$0.05 per month on each account for residential  
10 electric service as defined in Section 13 of the Energy  
11 Assistance Act;

12 (2) \$0.05 per month on each account for residential gas  
13 service as defined in Section 13 of the Energy Assistance  
14 Act;

15 (3) \$0.50 per month on each account for nonresidential  
16 electric service, as defined in Section 13 of the Energy  
17 Assistance Act, which had less than 10 megawatts of peak  
18 demand during the previous calendar year;

19 (4) \$0.50 per month on each account for nonresidential  
20 gas service, as defined in Section 13 of the Energy  
21 Assistance Act, which had distributed to it less than  
22 4,000,000 therms of gas during the previous calendar year;

23 (5) \$37.50 per month on each account for nonresidential  
24 electric service, as defined in Section 13 of the Energy  
25 Assistance Act, which had 10 megawatts or greater of peak  
26 demand during the previous calendar year; and

1           (6) \$37.50 per month on each account for nonresidential  
2           gas service, as defined in Section 13 of the Energy  
3           Assistance Act, which had 4,000,000 or more therms of gas  
4           distributed to it during the previous calendar year.

5           (b) The Renewable Energy Resources and Coal Technology  
6           Development Assistance Charge assessed by electric and gas  
7           public utilities shall be considered a charge for public  
8           utility service.

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

25          (d) By the 20th day of the month following the month in  
26          which the charges imposed by this Section were collected, each

1 utility and alternative retail electric supplier collecting  
2 charges pursuant to this Section shall remit to the Department  
3 of Revenue for deposit in the Renewable Energy Resources Trust  
4 Fund and the Coal Technology Development Assistance Fund all  
5 moneys received as payment of the charge provided for in this  
6 Section on a return prescribed and furnished by the Department  
7 of Revenue showing such information as the Department of  
8 Revenue may reasonably require.

9 If any payment provided for in this Section exceeds the  
10 utility or alternate retail electric supplier's liabilities  
11 under this Act, as shown on an original return, the utility or  
12 alternative retail electric supplier may credit the excess  
13 payment against liability subsequently to be remitted to the  
14 Department of Revenue under this Act.

15 (e) The charges imposed by this Section shall only apply to  
16 customers of municipal electric or gas utilities and electric  
17 or gas cooperatives if the municipal electric or gas utility or  
18 electric or gas cooperative makes an affirmative decision to  
19 impose the charge. If a municipal electric or gas utility or an  
20 electric or gas cooperative makes an affirmative decision to  
21 impose the charge provided by this Section, the municipal  
22 electric or gas utility or electric or gas cooperative shall  
23 inform the Department of Revenue in writing of such decision  
24 when it begins to impose the charge. If a municipal electric or  
25 gas utility or electric or gas cooperative does not assess this  
26 charge, its customers shall not be eligible for the Renewable

1 Energy Resources Program.

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

4 (Source: P.A. 100-402, eff. 8-25-17; 100-1171, eff. 1-4-19.)

5 (20 ILCS 687/6-5.5)

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

7 Sec. 6-5.5. Renewable energy grants.

8 (a) Subject to appropriation, the Agency ~~may Department~~  
9 ~~shall establish and~~ operate a renewable energy grant program to  
10 assist public schools and community colleges with engineering  
11 studies and feasibility studies and in training green economy  
12 technology and in the installation, acquisition, construction,  
13 and improvement of renewable energy resources, including  
14 without limitation smart grid technology, solar energy (such as  
15 solar panels), geothermal energy, and wind energy.

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

20 (c) The Agency ~~Department~~ may adopt any rules that are  
21 necessary to carry out its responsibilities under this Section.

22 (Source: P.A. 96-725, eff. 8-25-09; 97-72, eff. 7-1-11.)

23 (20 ILCS 687/6-6)

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

1           Sec. 6-6. Energy efficiency program.

2           (a) For the year beginning January 1, 1998, and thereafter  
3 as provided in this Section, each electric utility as defined  
4 in Section 3-105 of the Public Utilities Act and each  
5 alternative retail electric supplier as defined in Section  
6 16-102 of the Public Utilities Act supplying electric power and  
7 energy to retail customers located in the State of Illinois  
8 shall contribute annually a pro rata share of a total amount of  
9 \$3,000,000 based upon the number of kilowatt-hours sold by each  
10 such entity in the 12 months preceding the year of  
11 contribution. On or before May 1 of each year, the Illinois  
12 Commerce Commission shall determine and notify the Agency  
13 ~~Department of Commerce and Economic Opportunity~~ of the pro rata  
14 share owed by each electric utility and each alternative retail  
15 electric supplier based upon information supplied annually to  
16 the Illinois Commerce Commission. On or before June 1 of each  
17 year, the Agency ~~Department of Commerce and Economic~~  
18 ~~Opportunity~~ shall send written notification to each electric  
19 utility and each alternative retail electric supplier of the  
20 amount of pro rata share they owe. These contributions shall be  
21 remitted to the Department of Revenue on or before June 30 of  
22 each year the contribution is due on a return prescribed and  
23 furnished by the Department of Revenue showing such information  
24 as the Department of Revenue may reasonably require. The funds  
25 received pursuant to this Section shall be subject to the  
26 appropriation of funds by the General Assembly. The Department



1 of Revenue shall place the funds remitted under this Section in  
2 a trust fund, that is hereby created in the State Treasury,  
3 called the Energy Efficiency Trust Fund. If an electric utility  
4 or alternative retail electric supplier does not remit its pro  
5 rata share to the Department of Revenue, the Department of  
6 Revenue must inform the Illinois Commerce Commission of such  
7 failure. The Illinois Commerce Commission may then revoke the  
8 certification of that electric utility or alternative retail  
9 electric supplier. The Illinois Commerce Commission may not  
10 renew the certification of any electric utility or alternative  
11 retail electric supplier that is delinquent in paying its pro  
12 rata share.

13 (b) The Agency ~~Department of Commerce and Economic~~  
14 ~~Opportunity~~ shall disburse the moneys in the Energy Efficiency  
15 Trust Fund to benefit residential electric customers through  
16 projects which the Agency ~~Department of Commerce and Economic~~  
17 ~~Opportunity~~ has determined will promote energy efficiency in  
18 the State of Illinois. The Agency may ~~Department of Commerce~~  
19 ~~and Economic Opportunity shall~~ establish a list of projects  
20 eligible for grants from the Energy Efficiency Trust Fund  
21 including, but not limited to, supporting energy efficiency  
22 efforts for low-income households, replacing energy  
23 inefficient windows with more efficient windows, replacing  
24 energy inefficient appliances with more efficient appliances,  
25 replacing energy inefficient lighting with more efficient  
26 lighting, insulating dwellings and buildings, using market

1 incentives to encourage energy efficiency, and such other  
2 projects which will increase energy efficiency in homes and  
3 rental properties.

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

7 (d) (Blank). ~~The Department of Commerce and Economic~~  
8 ~~Opportunity shall conduct a study of other possible energy~~  
9 ~~efficiency improvements and evaluate methods for promoting~~  
10 ~~energy efficiency and conservation, especially for the benefit~~  
11 ~~of low income customers.~~

12 (e) (Blank). ~~The Department of Commerce and Economic~~  
13 ~~Opportunity shall submit an annual report to the General~~  
14 ~~Assembly evaluating the effectiveness of the projects and~~  
15 ~~programs provided in this Section, and recommending further~~  
16 ~~legislation which will encourage additional development and~~  
17 ~~implementation of energy efficiency projects and programs in~~  
18 ~~Illinois and other actions that help to meet the goals of this~~  
19 ~~Section.~~

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

21 Section 915. The Illinois Renewable Fuels Development  
22 Program Act is amended by changing Sections 5, 10, 15, 25, and  
23 30 as follows:

24 (20 ILCS 689/5)

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

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

23           (20 ILCS 689/10)

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

25           "Agency" means the Environmental Protection Agency.

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

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

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

9 ~~"Department" means the Department of Commerce and Economic  
10 Opportunity.~~

11 "Diesel fuel" means any product intended for use or offered  
12 for sale as a fuel for engines in which the fuel is injected  
13 into the combustion chamber and ignited by pressure without  
14 electric spark.

15 "Director" means the Director of the Agency ~~Commerce and  
16 Economic Opportunity.~~

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

20 "Fuel" means fuel as defined in Section 1.19 of the Motor  
21 Fuel Tax Law.

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

25 "Gasoline" means all products commonly or commercially  
26 known or sold as gasoline (including casing head and absorption

1 or natural gasoline).

2 "Illinois agricultural product" means any agricultural  
3 commodity grown in Illinois that is used by a production  
4 facility to produce renewable fuel in Illinois, including, but  
5 not limited to, corn, barley, and soy beans.

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

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

12 "Motor vehicles" means motor vehicles as defined in the  
13 Illinois Vehicle Code and watercraft propelled by an internal  
14 combustion engine.

15 "Owner" means any individual, sole proprietorship, limited  
16 partnership, co-partnership, joint venture, corporation,  
17 cooperative, or other legal entity, including its agents, that  
18 operates or will operate a plant located within the State of  
19 Illinois.

20 "Plant" means a production facility that produces a  
21 renewable fuel. "Plant" includes land, any building or other  
22 improvement on or to land, and any personal properties deemed  
23 necessary or suitable for use, whether or not now in existence,  
24 in the processing of fuel from agricultural commodities or  
25 by-products.

26 "Renewable fuel" means ethanol, gasohol, majority blended

1 ethanol fuel, biodiesel blend fuel, and biodiesel.

2 (Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03;  
3 94-793, eff. 5-19-06.)

4 (20 ILCS 689/15)

5 Sec. 15. Illinois Renewable Fuels Development Program.

6 (a) The Agency ~~may~~ ~~Department~~ ~~must~~ ~~develop~~ ~~and~~ administer  
7 the Illinois Renewable Fuels Development Program to assist in  
8 the construction, modification, alteration, or retrofitting of  
9 renewable fuel plants in Illinois. The recipient of a grant  
10 under this Section must:

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

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

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

19 (b) Grant applications must be made on forms provided by  
20 and in accordance with procedures established by the Agency  
21 ~~Department~~.

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

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

2 (20 ILCS 689/25)

3 Sec. 25. Project labor agreements.

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

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

7 (2) provisions establishing the benefits and other  
8 compensation for each class of labor organization  
9 employee; and

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

12 The owner of the plant and the labor organizations shall have  
13 the authority to include other terms and conditions as they  
14 deem necessary.

15 (b) The project labor agreement shall be filed with the  
16 Director in accordance with procedures established by the  
17 Agency Department. At a minimum, the project labor agreement  
18 must provide the names, addresses, and occupations of the owner  
19 of the plant and the individuals representing the labor  
20 organization employees participating in the project labor  
21 agreement. The agreement must also specify the terms and  
22 conditions required in subsection (a).

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

24 (20 ILCS 689/30)

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

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

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

7           (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

8           Sec. 1. Definitions; transfer of duties.

9           (a) For the purposes of this Act, unless the context  
10 otherwise requires:

11                 "Department" means the Department of Commerce and  
12                 Economic Opportunity.

13                 "Director" means the Director of Commerce and Economic  
14                 Opportunity.

15           (b) As provided in Section 80-20 of the Department of  
16 Natural Resources Act, the Department of Commerce and Community  
17 Affairs (now Department of Commerce and Economic Opportunity)  
18 shall assume the rights, powers, and duties of the former  
19 Department of Energy and Natural Resources under this Act,  
20 except as those rights, powers, and duties are otherwise  
21 allocated or transferred by this amendatory Act of the 101st  
22 General Assembly or any other law.

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



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

2 Sec. 3. Powers and duties.

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

5 (1) To administer for the State any energy programs and  
6 activities under federal law, regulations or guidelines,  
7 and to coordinate such programs and activities with other  
8 State agencies, units of local government, and educational  
9 institutions.

10 (2) To represent the State in energy matters involving  
11 the federal government, other states, units of local  
12 government, and regional agencies.

13 (3) To prepare energy assurance contingency plans for  
14 consideration by the Governor and the General Assembly.  
15 Such plans may shall include procedures for determining  
16 when a foreseeable danger exists of energy shortages,  
17 including shortages of petroleum, coal, nuclear power,  
18 natural gas, and other forms of energy, and may shall  
19 specify the actions to be taken to minimize hardship and  
20 maintain the general welfare during such energy shortages.

21 (4) To cooperate with State colleges and universities  
22 and their governing boards in energy programs and  
23 activities.

24 (5) (Blank).

25 (6) To accept, receive, expend, and administer,  
26 including by contracts and grants to other State agencies,

1 any energy-related gifts, grants, cooperative agreement  
2 funds, and other funds made available to the Agency  
3 ~~Department~~ by the federal government and other public and  
4 private sources, as well as any of those funds made  
5 available to the Department before the effective date of  
6 this amendatory Act of the 101st General Assembly.

7 (7) To assist the Department of Central Management  
8 Services in establishing and maintaining a system to  
9 analyze and report energy consumption of facilities leased  
10 by the Department of Central Management Services.

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

13 (1) ~~(7)~~ To investigate practical problems, seek and  
14 utilize financial assistance, implement studies and  
15 conduct research relating to the production, distribution  
16 and use of alcohol fuels.

17 (2) ~~(8)~~ To serve as a clearinghouse for information on  
18 alcohol production technology; provide assistance,  
19 information and data relating to the production and use of  
20 alcohol; develop informational packets and brochures, and  
21 hold public seminars to encourage the development and  
22 utilization of the best available technology.

23 (3) ~~(9)~~ To coordinate with other State agencies in  
24 order to promote the maximum flow of information and to  
25 avoid unnecessary overlapping of alcohol fuel programs. In  
26 order to effectuate this goal, the Director of the

1 Department or his representative shall consult with the  
2 Directors, or their representatives, of the Departments of  
3 Agriculture, Central Management Services, Transportation,  
4 and Revenue, the Office of the State Fire Marshal, and the  
5 Environmental Protection Agency.

6 (4) ~~(10)~~ To operate, within the Department, an Office  
7 of Coal Development and Marketing for the promotion and  
8 marketing of Illinois coal both domestically and  
9 internationally. The Department may use monies  
10 appropriated for this purpose for necessary administrative  
11 expenses.

12 The Office of Coal Development and Marketing shall  
13 develop and implement an initiative to assist the coal  
14 industry in Illinois to increase its share of the  
15 international coal market.

16 (5) ~~(11)~~ To assist the Department of Central Management  
17 Services in establishing and maintaining a system to  
18 analyze and report energy consumption of facilities leased  
19 by the Department of Central Management Services.

20 (6) ~~(12)~~ To consult with the Department ~~Departments~~ of  
21 ~~Natural Resources~~ and Transportation and the Illinois  
22 Environmental Protection Agency for the purpose of  
23 developing methods and standards that encourage the  
24 utilization of coal combustion by-products as value added  
25 products in productive and benign applications.

26 (7) ~~(13)~~ To provide technical assistance and

1 information to sellers and distributors of storage hot  
2 water heaters doing business in Illinois, ~~pursuant to~~  
3 ~~Section 1 of the Hot Water Heater Efficiency Act.~~

4 (b) (Blank).

5 (c) (Blank).

6 (d) The Agency ~~Department~~ shall develop a package of  
7 educational materials containing information regarding the  
8 necessity of waste reduction and recycling to reduce dependence  
9 on landfills and to maintain environmental quality. The Agency  
10 ~~Department~~ shall make this information available to the public  
11 on its website and for schools to access for their development  
12 of materials. Those materials shall be suitable for  
13 instructional use in grades 3, 4 and 5.

14 (e) (Blank).

15 (f) (Blank).

16 (g) (Blank).

17 (h) (Blank).

18 (i) (Blank).

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

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

22 (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

23 Sec. 4. Technical Assistance Programs.

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

1 ~~Commerce and Economic Opportunity shall provide to a unit of~~  
2 ~~local government, upon request by the unit,~~ technical  
3 assistance in the development of energy efficiency standards,  
4 including, but not limited to, thermal efficiency standards and  
5 lighting efficiency standards ~~to units of local government,~~  
6 ~~upon request by such unit.~~

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

11 (c) The Technical Assistance Programs provided in this  
12 Section shall be supported by funds provided to the State  
13 pursuant to the federal "Energy Policy and Conservation Act of  
14 1975" or other federal acts that provide funds for energy  
15 conservation efforts through the use of building codes.

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

17 (20 ILCS 1115/5 rep.)

18 Section 930. The Energy Conservation Act is amended by  
19 repealing Section 5.

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

22 (20 ILCS 3125/10)

23 Sec. 10. Definitions.

1           "Agency" means the Environmental Protection Agency.

2           "Board" means the Capital Development Board.

3           "Building" includes both residential buildings and  
4 commercial buildings.

5           "Code" means the latest published edition of the  
6 International Code Council's International Energy Conservation  
7 Code as adopted by the Board, including any published  
8 supplements adopted by the Board and any amendments and  
9 adaptations to the Code that are made by the Board.

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

12          ~~"Department" means the Department of Commerce and Economic  
13 Opportunity.~~

14          "Municipality" means any city, village, or incorporated  
15 town.

16          "Residential building" means (i) a detached one-family or  
17 2-family dwelling or (ii) any building that is 3 stories or  
18 less in height above grade that contains multiple dwelling  
19 units, in which the occupants reside on a primarily permanent  
20 basis, such as a townhouse, a row house, an apartment house, a  
21 convent, a monastery, a rectory, a fraternity or sorority  
22 house, a dormitory, and a rooming house; provided, however,  
23 that when applied to a building located within the boundaries  
24 of a municipality having a population of 1,000,000 or more, the  
25 term "residential building" means a building containing one or  
26 more dwelling units, not exceeding 4 stories above grade, where

1 occupants are primarily permanent.

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

3 (20 ILCS 3125/15)

4 Sec. 15. Energy Efficient Building Code. The Board, in  
5 consultation with the Agency Department, shall adopt the Code  
6 as minimum requirements for commercial buildings, applying to  
7 the construction of, renovations to, and additions to all  
8 commercial buildings in the State. The Board, in consultation  
9 with the Agency Department, shall also adopt the Code as the  
10 minimum and maximum requirements for residential buildings,  
11 applying to the construction of all residential buildings in  
12 the State, except as provided for in Section 45 of this Act.  
13 The Board may appropriately adapt the International Energy  
14 Conservation Code to apply to the particular economy,  
15 population distribution, geography, and climate of the State  
16 and construction therein, consistent with the public policy  
17 objectives of this Act.

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

19 (20 ILCS 3125/25)

20 Sec. 25. Technical assistance.

21 (a) The Agency Department shall make available to builders,  
22 designers, engineers, and architects implementation materials  
23 and training to explain the requirements of the Code and  
24 describe methods of compliance acceptable to Code Enforcement

1 Officials.

2 (b) The materials shall include software tools, simplified  
3 prescriptive options, and other materials as appropriate. The  
4 simplified materials shall be designed for projects in which a  
5 design professional may not be involved.

6 (c) The Agency ~~Department~~ shall provide local  
7 jurisdictions with technical assistance concerning  
8 implementation and enforcement of the Code.

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

10 (20 ILCS 3125/30)

11 Sec. 30. Enforcement. The Board, in consultation with the  
12 Agency ~~Department~~, shall determine procedures for compliance  
13 with the Code. These procedures may include but need not be  
14 limited to certification by a national, State, or local  
15 accredited energy conservation program or inspections from  
16 private Code-certified inspectors using the Code.

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

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

20 (20 ILCS 3954/20)

21 Sec. 20. Responsibilities of the Council. The Council is  
22 responsible for the development and dissemination of programs,  
23 plans, and policies to reduce the environmental footprint of



1 State government and for improving the implementation of  
2 greening the government initiatives in other institutions,  
3 thereby reducing costs to taxpayers and improving efficiency in  
4 operations. The Council shall convene on a quarterly basis and  
5 shall be responsible for the following:

6 (a) Establishing long-term environmental  
7 sustainability goals that the State will strive to achieve  
8 within a period of 3, 5, and 10 years to improve the energy  
9 and environmental performance of State buildings,  
10 consistent with efficiency and economic objectives. These  
11 goals shall, at a minimum, include the following:  
12 broad-based performance goals for energy efficiency; use  
13 of renewable fuels; water conservation; green purchasing;  
14 paper consumption; and solid waste generation. These goals  
15 can be met through increased efficiency, operational  
16 changes, and improved maintenance and use of  
17 cost-effective alternative technologies, raw materials,  
18 and fuels.

19 The Council shall:

20 (1) communicate the environmental sustainability  
21 goals to all State agencies;

22 (2) establish an electronic system to track and  
23 report on environmental progress;

24 (3) monitor improvement activities; and

25 (4) propose new goals as appropriate.

26 (b) Coordinating an awards program that recognizes

1 units of State and local government and educational  
2 institutions for developing, adopting, and implementing  
3 innovative or exemplary environmental sustainability plans  
4 in conformance with this Act.

5 (c) Creating specific guidance materials for State  
6 agencies, educational institutions, and units of local  
7 government on how to integrate environmental  
8 sustainability into existing management systems, planning,  
9 and operational practices, while still providing necessary  
10 services and ensuring efficient and effective operations.  
11 These guidance materials must include a list of  
12 environmental and energy best practices, case studies,  
13 policy language, model plans, and other resource  
14 information. These materials must be made available on a  
15 website devoted to the Green Governments Illinois program.

16 (d) Developing and implementing, to the extent  
17 fiscally feasible, training programs designed to instill  
18 the importance and value of environmental sustainability.

19 (e) Providing new ways for State government to build  
20 markets for environmentally preferable products and  
21 services without compromising price, competition, and  
22 availability. The Council shall initially focus on  
23 integrated pest management, bio-based products, recycled  
24 content paper, energy efficiency, renewable energy,  
25 alternative fuel vehicles, and green cleaning supplies.  
26 Within existing resources, and within 60 days after the

1 effective date of this amendatory Act of the 96th General  
2 Assembly, the Department of Central Management Services,  
3 with the approval of the council, shall designate a single  
4 point of contact for State agencies, suppliers, and other  
5 interested parties to contact regarding environmentally  
6 preferable purchasing issues.

7 (f) Working collaboratively with State agencies, units  
8 of local government, educational institutions, and the  
9 legislative branches of government to promote  
10 benchmarking, commissioning, and retro-commissioning to  
11 make government and institutional buildings more  
12 resource-efficient, energy efficient, and healthful public  
13 places.

14 (g) Reviewing budgetary policy and making  
15 recommendations to the Governor on incentives for State  
16 agencies to undertake environmental improvements that  
17 result in long-term cost-savings, productivity  
18 enhancements, or other outcomes deemed appropriate to the  
19 State's sustainability goals.

20 (h) Reporting annually to the Governor and the General  
21 Assembly on the results of environmental sustainability  
22 actions taken by State agencies, educational institutions  
23 and units of local government during the prior fiscal year.  
24 The report must include the environmental and economic  
25 benefits of the environmental sustainability actions,  
26 where feasible, the consumption of those actions, and

1 provide recommendations for future environmental  
2 improvement activities during the following year. The  
3 report shall be filed by September 1, 2008, and November 1  
4 of each subsequent year.

5 (h-5) Participating in the proposal review and  
6 subgrant award processes conducted by the Environmental  
7 Protection Agency ~~Department of Commerce and Economic~~  
8 ~~Opportunity~~ to distribute the portion of funds eligible for  
9 State government use under the federal Energy Independence  
10 and Security Act of 2007, H.R. 6, Title V, Subtitle E  
11 (Energy Efficiency and Conservation Block Grants). A  
12 designee of the Governor shall also participate in these  
13 processes, and no subgrant may be awarded unless the  
14 Governor's designee first approves that subgrant.

15 (i) The chairman of the Council shall determine whether  
16 or not the I-Cycle program is operating effectively and  
17 make recommendations concerning management of the I-Cycle  
18 program. The chairman has the authority to dissolve the  
19 I-Cycle program if the program is found to be ineffective.

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

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

23 (105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)  
24 Sec. 10-20.19c. Recycled paper and paper products and solid

1 waste management.

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

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

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

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

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

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

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

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

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

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

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

1 (b) Wherever economically and practically feasible, as  
2 determined by the school board, the school board, all public  
3 schools and attendance centers within a school district, and  
4 their school supply stores shall procure recycled paper and  
5 paper products as follows:

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

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

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

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

26 (5) Beginning upon the effective date of this

1           amendatory Act of 1992, all paper purchased by the board of  
2           education, public schools and attendance centers for  
3           publication of student newspapers shall be recycled  
4           newsprint. The amount purchased shall not be included in  
5           calculating the amounts specified in paragraphs (1)  
6           through (4).

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

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

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



1           (ii) Recycled tissue products, until July 1, 1994,  
2           shall contain at least 25% postconsumer material; and  
3           beginning July 1, 1994, shall contain at least 30%  
4           postconsumer material; and beginning July 1, 1996, shall  
5           contain at least 35% postconsumer material; and beginning  
6           July 1, 1998, shall contain at least 40% postconsumer  
7           material; and beginning July 1, 2000, shall contain at  
8           least 45% postconsumer material.

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

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

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

1 July 1, 1994, shall contain at least 85% postconsumer  
2 material; and beginning July 1, 1996, shall contain at  
3 least 90% postconsumer material; and beginning July 1,  
4 1998, shall contain at least 95% postconsumer material.

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

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

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

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

18 (i) postconsumer material;

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

1 box and carton manufacturing, and butt rolls, mill  
2 wrappers, and rejected unused stock; and

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

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

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

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

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

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

10 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

11 Sec. 34-18.15. 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  
25 writing papers, tissue products, newsprint, unbleached

1 packaging and recycled paperboard.

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

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

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

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

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

26 (a-5) The school district shall periodically review its

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

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

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

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

1 paper products.

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

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

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

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

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

1 specified by paper category in this subsection:

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

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

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



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

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

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

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

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

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

1 stream.

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

4 (i) postconsumer material;

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

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

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

1 district, public school or attendance center.

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

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

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

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

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

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

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

14 (b) The Agency shall assess and collect a fee in the amount  
15 set forth herein from the owner or operator of each sanitary  
16 landfill permitted or required to be permitted by the Agency to  
17 dispose of solid waste if the sanitary landfill is located off  
18 the site where such waste was produced and if such sanitary  
19 landfill is owned, controlled, and operated by a person other  
20 than the generator of such waste. The Agency shall deposit all  
21 fees collected into the Solid Waste Management Fund. If a site  
22 is contiguous to one or more landfills owned or operated by the  
23 same person, the volumes permanently disposed of by each  
24 landfill shall be combined for purposes of determining the fee  
25 under this subsection. Beginning on July 1, 2018, and on the  
26 first day of each month thereafter during fiscal years 2019 and

1 2020, the State Comptroller shall direct and State Treasurer  
2 shall transfer an amount equal to 1/12 of \$5,000,000 per fiscal  
3 year from the Solid Waste Management Fund to the General  
4 Revenue Fund.

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

16 (2) If more than 100,000 cubic yards but not more than  
17 150,000 cubic yards of non-hazardous waste is permanently  
18 disposed of at a site in a calendar year, the owner or  
19 operator shall pay a fee of \$52,630.

20 (3) If more than 50,000 cubic yards but not more than  
21 100,000 cubic yards of non-hazardous solid waste is  
22 permanently disposed of at a site in a calendar year, the  
23 owner or operator shall pay a fee of \$23,790.

24 (4) If more than 10,000 cubic yards but not more than  
25 50,000 cubic yards of non-hazardous solid waste is  
26 permanently disposed of at a site in a calendar year, the

1 owner or operator shall pay a fee of \$7,260.

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

6 (c) (Blank).

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

10 (1) necessary records identifying the quantities of  
11 solid waste received or disposed;

12 (2) the form and submission of reports to accompany the  
13 payment of fees to the Agency;

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

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

20 (e) Pursuant to appropriation, all monies in the Solid  
21 Waste Management Fund shall be used by the Agency ~~and the~~  
22 ~~Department of Commerce and Economic Opportunity~~ for the  
23 purposes set forth in this Section and in the Illinois Solid  
24 Waste Management Act, including for the costs of fee collection  
25 and administration, and for the administration of (1) the  
26 Consumer Electronics Recycling Act and (2) until January 1,

1 2020, the Electronic Products Recycling and Reuse Act.

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

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

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

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

18 (j) A unit of local government, as defined in the Local  
19 Solid Waste Disposal Act, in which a solid waste disposal  
20 facility is located may establish a fee, tax, or surcharge with  
21 regard to the permanent disposal of solid waste. All fees,  
22 taxes, and surcharges collected under this subsection shall be  
23 utilized for solid waste management purposes, including  
24 long-term monitoring and maintenance of landfills, planning,  
25 implementation, inspection, enforcement and other activities  
26 consistent with the Solid Waste Management Act and the Local

1 Solid Waste Disposal Act, or for any other environment-related  
2 purpose, including but not limited to an environment-related  
3 public works project, but not for the construction of a new  
4 pollution control facility other than a household hazardous  
5 waste facility. However, the total fee, tax or surcharge  
6 imposed by all units of local government under this subsection  
7 (j) upon the solid waste disposal facility shall not exceed:

8 (1) 60¢ per cubic yard if more than 150,000 cubic yards  
9 of non-hazardous solid waste is permanently disposed of at  
10 the site in a calendar year, unless the owner or operator  
11 weighs the quantity of the solid waste received with a  
12 device for which certification has been obtained under the  
13 Weights and Measures Act, in which case the fee shall not  
14 exceed \$1.27 per ton of solid waste permanently disposed  
15 of.

16 (2) \$33,350 if more than 100,000 cubic yards, but not  
17 more than 150,000 cubic yards, of non-hazardous waste is  
18 permanently disposed of at the site in a calendar year.

19 (3) \$15,500 if more than 50,000 cubic yards, but not  
20 more than 100,000 cubic yards, of non-hazardous solid waste  
21 is permanently disposed of at the site in a calendar year.

22 (4) \$4,650 if more than 10,000 cubic yards, but not  
23 more than 50,000 cubic yards, of non-hazardous solid waste  
24 is permanently disposed of at the site in a calendar year.

25 (5) \$650 if not more than 10,000 cubic yards of  
26 non-hazardous solid waste is permanently disposed of at the



1 site in a calendar year.

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

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

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

1 expended for the prescribed purposes under the grant.

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

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

13 (1) The total monies collected pursuant to this  
14 subsection.

15 (2) The most current balance of monies collected  
16 pursuant to this subsection.

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

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

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

23 The exemptions granted under Sections 22.16 and 22.16a, and  
24 under subsection (k) of this Section, shall be applicable to  
25 any fee, tax or surcharge imposed under this subsection (j);  
26 except that the fee, tax or surcharge authorized to be imposed

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

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

13 (1) waste which is hazardous waste;

14 (2) waste which is pollution control waste;

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

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

23 (5) any landfill which is permitted by the Agency to  
24 receive only demolition or construction debris or  
25 landscape waste.

26 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;

1 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.  
2 8-14-18; 101-10, eff. 6-5-19.)

3 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

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

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

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

23 (2) The owner or operator shall provide information  
24 programs to those communities serviced by the owner or  
25 operator concerning the Agency's household hazardous waste

1 collection program and participation in that program.

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

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

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

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

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

21 (1) The incinerator must be designed to provide  
22 continuous monitoring while in operation, with direct  
23 transmission of the resultant data to the Agency, until the  
24 Agency determines the best available control technology  
25 for monitoring the data. The Agency shall establish the  
26 test methods, procedures and averaging periods, as

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

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

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

24 (4) The operator may not accept for incineration any  
25 waste generated or collected in a municipality that has not  
26 implemented a recycling plan or is party to an implemented

1 county plan, consistent with State goals and objectives.  
2 Such plans shall include provisions for collecting,  
3 recycling or diverting from landfills and municipal  
4 incinerators landscape waste, household hazardous waste  
5 and batteries. Such provisions may be performed at the site  
6 of the new municipal incinerator.

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

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

20 (d) The Agency shall establish household hazardous waste  
21 collection centers in appropriate places in this State. The  
22 Agency may operate and maintain the centers itself or may  
23 contract with other parties for that purpose. The Agency shall  
24 ensure that the wastes collected are properly disposed of. The  
25 collection centers may charge fees for their services, not to  
26 exceed the costs incurred. Such collection centers shall not

1 (i) be regulated as hazardous waste facilities under RCRA nor  
2 (ii) be subject to local siting approval under Section 39.2 if  
3 the local governing authority agrees to waive local siting  
4 approval procedures.

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

6 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

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

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

16 (1) Treating and handling used or waste tires and other  
17 infested materials within the area for control of  
18 mosquitoes and other disease vectors.

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

22 (3) Removal of used and waste tire accumulations from  
23 the area.

24 (4) Removal of soil and water contamination related to  
25 tire accumulations.



1           (5) Installation of devices to monitor and control  
2 groundwater and surface water contamination related to  
3 tire accumulations.

4           (6) Such other actions as may be authorized by Board  
5 regulations.

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

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

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

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

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

19           (iii) that the owner will hold harmless the Agency  
20 or any employee or contractor utilized by the Agency to  
21 effect the removal, for any damage to property incurred  
22 during the course of action under this subsection,  
23 except for gross negligence or intentional misconduct;  
24 and

25           (iv) any conditions upon or assistance required  
26 from the owner to assure that the tires are so located

1 or arranged as to facilitate their removal.

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

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

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

15 The notice provided by the Agency shall include the  
16 identified preventive or corrective action, and shall provide  
17 an opportunity for the owner or operator, or both, to perform  
18 such action.

19 For sites with more than 250,000 passenger tire  
20 equivalents, following the notice provided for by this  
21 subsection (d), the Agency may enter into a written  
22 reimbursement agreement with the owner or operator of the site.  
23 The agreement shall provide a schedule for the owner or  
24 operator to reimburse the Agency for costs incurred for  
25 preventive or corrective action, which shall not exceed 5 years  
26 in length. An owner or operator making payments under a written

1 reimbursement agreement pursuant to this subsection (d) shall  
2 not be liable for punitive damages under subsection (h) of this  
3 Section.

4 (e) In accordance with constitutional limitations, the  
5 Agency shall have authority to enter at all reasonable times  
6 upon any private or public property for the purpose of taking  
7 whatever preventive or corrective action is necessary and  
8 appropriate in accordance with the provisions of this Section,  
9 including but not limited to removal, processing or treatment  
10 of used or waste tires, whenever the Agency finds that used or  
11 waste tires pose a threat to public health or the environment.

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

23 (g) Except as otherwise provided in this Section, the owner  
24 or operator of any site or accumulation of used or waste tires  
25 at which the Agency has undertaken corrective or preventive  
26 action under this Section shall be liable for all costs thereof

1 incurred by the State of Illinois, including reasonable costs  
2 of collection. Any monies received by the Agency hereunder  
3 shall be deposited into the Used Tire Management Fund. The  
4 Agency may in its discretion store, dispose of or convey the  
5 tires that are removed from an area at which it has undertaken  
6 a corrective, preventive or consensual removal action, and may  
7 sell or store such tires and other items, including but not  
8 limited to rims, that are removed from the area. The net  
9 proceeds of any sale shall be credited against the liability  
10 incurred by the owner or operator for the costs of any  
11 preventive or corrective action.

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

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

23 (1) an act of God;

24 (2) an act of war; or

25 (3) an act or omission of a third party other than an  
26 employee or agent, and other than a person whose act or

1 omission occurs in connection with a contractual  
2 relationship with the person otherwise liable.

3 For the purposes of this subsection, "contractual  
4 relationship" includes, but is not limited to, land contracts,  
5 deeds and other instruments transferring title or possession,  
6 unless the real property upon which the accumulation is located  
7 was acquired by the defendant after the disposal or placement  
8 of used or waste tires on, in or at the property and one or more  
9 of the following circumstances is also established by a  
10 preponderance of the evidence:

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

19 (B) the defendant is a government entity which  
20 acquired the property by escheat or through any other  
21 involuntary transfer or acquisition, or through the  
22 exercise of eminent domain authority by purchase or  
23 condemnation; or

24 (C) the defendant acquired the property by  
25 inheritance or bequest.

26 (j) Nothing in this Section shall affect or modify the

1 obligations or liability of any person under any other  
2 provision of this Act, federal law, or State law, including the  
3 common law, for injuries, damages or losses resulting from the  
4 circumstances leading to Agency action under this Section.

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

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

18 (m) Neither the State, the Agency, the Board, the Director,  
19 nor any State employee shall be liable for any damage or injury  
20 arising out of or resulting from any action taken under this  
21 Section.

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

23 (415 ILCS 5/55.7) (from Ch. 111 1/2, par. 1055.7)

24 Sec. 55.7. The Agency ~~Department of Commerce and Economic~~  
25 ~~Opportunity~~ may adopt regulations as necessary for the

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

11 (1) the likelihood that a proposal will lead to the  
12 actual collection and processing of used tires and  
13 protection of the environment and public health in  
14 furtherance of the purposes of this Act;

15 (2) the feasibility of the proposal;

16 (3) the suitability of the location for the proposed  
17 activity;

18 (4) the potential of the proposal for encouraging  
19 recycling and reuse of resources; and

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

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

23 (415 ILCS 5/58.14a)

24 Sec. 58.14a. River Edge Redevelopment Zone Site  
25 Remediation Tax Credit Review.

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

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

21 (1) information identifying the Remediation Applicant,  
22 the site for which the tax credit is being sought, and the  
23 date of acceptance of the site into the Site Remediation  
24 Program;

25 (2) a copy of the No Further Remediation Letter with  
26 official verification that the letter has been recorded in



1 the chain of title for the site and a demonstration that  
2 the site for which the application is submitted is the same  
3 site as the one for which the No Further Remediation Letter  
4 is issued;

5 (3) a demonstration that the release of the regulated  
6 substances of concern for which the No Further Remediation  
7 Letter was issued were not caused or contributed to in any  
8 material respect by the Remediation Applicant.  
9 Determinations as to credit availability shall be made  
10 consistent with the Pollution Control Board rules for the  
11 administration and enforcement of Section 58.9 of this Act;

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

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

16 (6) a demonstration that the costs submitted for review  
17 were incurred by the Remediation Applicant who received the  
18 No Further Remediation Letter;

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

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

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

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

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

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

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

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

26 The submittal of a budget plan is deemed to be an automatic

1 60-day waiver of the Remedial Action Plan review deadlines set  
2 forth in this Section and its rules.

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

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

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

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

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

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

1 review program.

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

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

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

12 (415 ILCS 5/58.15)

13 Sec. 58.15. Brownfields Programs.

14 (A) Brownfields Redevelopment Loan Program.

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

23 (b) General requirements for loans:

24 (1) Loans shall be at or below market interest rates in  
25 accordance with a formula set forth in regulations

1 promulgated under subdivision (A)(c) of this subsection  
2 (A).

3 (2) Loans shall be awarded subject to availability of  
4 funding based on the order of receipt of applications  
5 satisfying all requirements as set forth in the regulations  
6 promulgated under subdivision (A)(c) of this subsection  
7 (A).

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

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

14 (A) the loan recipient shall secure the loan  
15 repayment obligation;

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

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

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

23 (6) If the loan recipient fails to make timely payments  
24 or otherwise fails to meet its obligations as provided in  
25 this subsection (A) or implementing regulations, the  
26 Agency is authorized to pursue the collection of the

1 amounts past due, the outstanding loan balance, and the  
2 costs thereby incurred, either pursuant to the Illinois  
3 State Collection Act of 1986 or by any other means provided  
4 by law, including the taking of title, by foreclosure or  
5 otherwise, to any project or other property pledged,  
6 mortgaged, encumbered, or otherwise available as security  
7 or collateral.

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

- 17 (1) loan application requirements;
- 18 (2) determination of credit worthiness of the loan  
19 applicant;
- 20 (3) types of security required for the loan;
- 21 (4) types of collateral, as necessary, that can be  
22 pledged for the loan;
- 23 (5) special loan terms, as necessary, for securing the  
24 repayment of the loan;
- 25 (6) maximum loan amounts;
- 26 (7) purposes for which loans are available;

- 1 (8) application periods and content of applications;
- 2 (9) procedures for Agency review of loan applications,  
3 loan approvals or denials, and loan acceptance by the loan  
4 recipient;
- 5 (10) procedures for establishing interest rates;
- 6 (11) requirements applicable to disbursement of loans  
7 to loan recipients;
- 8 (12) requirements for securing loan repayment  
9 obligations;
- 10 (13) conditions or circumstances constituting default;
- 11 (14) procedures for repayment of loans and delinquent  
12 loans including, but not limited to, the initiation of  
13 principal and interest payments following loan acceptance;
- 14 (15) loan recipient responsibilities for work  
15 schedules, work plans, reports, and record keeping;
- 16 (16) evaluation of loan recipient performance,  
17 including auditing and access to sites and records;
- 18 (17) requirements applicable to contracting and  
19 subcontracting by the loan recipient, including  
20 procurement requirements;
- 21 (18) penalties for noncompliance with loan  
22 requirements and conditions, including stop-work orders,  
23 termination, and recovery of loan funds; and
- 24 (19) indemnification of the State of Illinois and the  
25 Agency by the loan recipient.
- 26 (d) Moneys in the Brownfields Redevelopment Fund may be



1 used as a source of revenue or security for the principal and  
2 interest on revenue or general obligation bonds issued by the  
3 State or any political subdivision or instrumentality thereof,  
4 if the proceeds of those bonds will be deposited into the Fund.

5 (B) Brownfields Site Restoration Program.

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

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

22 (3) The Agency must not approve payment in excess of  
23 \$750,000 to a Remediation Applicant for remediation costs  
24 incurred at a remediation site. Eligibility must be  
25 determined based on a minimum capital investment in the

1 redevelopement of the site, and payment amounts must not  
2 exceed the net economic benefit to the State of the  
3 remediation project. In addition to these limitations, the  
4 total payment to be made to an applicant must not exceed an  
5 amount equal to 20% of the capital investment at the site.

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

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

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

1 costs if the applicant is found to be eligible for  
2 reimbursement of remediation costs. If the Agency determines  
3 that it is likely to have adequate funding to reimburse the  
4 applicant for remediation costs, the Remediation Applicant may  
5 then submit to the Agency ~~Department of Commerce and Economic~~  
6 ~~Opportunity~~ an application for review of eligibility. The  
7 Agency ~~Department~~ must review the eligibility application to  
8 determine whether the Remediation Applicant is eligible for the  
9 payment. The application must be on forms prescribed and  
10 provided by the Agency ~~Department of Commerce and Economic~~  
11 ~~Opportunity~~. At a minimum, the application must include the  
12 following:

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

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

1 made to the Agency ~~Department of Commerce and Economic~~  
2 ~~Opportunity~~. "Underutilized property" means real property  
3 of which less than 35% of the commercially usable space of  
4 the property and improvements thereon are used for their  
5 most commercially profitable and economically productive  
6 uses.

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

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

1 (c) The fee for eligibility reviews conducted by the Agency  
2 ~~Department of Commerce and Economic Opportunity~~ under this  
3 subsection (B) is \$1,000 for each site reviewed. The  
4 application fee must be made payable to the Agency ~~Department~~  
5 ~~of Commerce and Economic Opportunity~~ for deposit into the  
6 Brownfields Redevelopment Workforce, Technology, and Economic  
7 ~~Development~~ Fund. These application fees shall be used by the  
8 Agency ~~Department~~ for administrative expenses incurred under  
9 this subsection (B).

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

25 (e) An application for a review of remediation costs must  
26 not be submitted to the Agency unless the Agency ~~Department of~~

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

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

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

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

1 substances of concern for which the No Further Remediation  
2 Letter was issued was not caused or contributed to in any  
3 material respect by the Remediation Applicant. The Agency  
4 must make determinations as to reimbursement availability  
5 consistent with rules adopted by the Pollution Control  
6 Board for the administration and enforcement of Section  
7 58.9 of this Act.

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

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

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

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

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

23 (9) Any other information deemed appropriate by the  
24 Agency.

25 (f) An application for review of remediation costs may be  
26 submitted to the Agency prior to the issuance of a No Further

1 Remediation Letter if the Remediation Applicant has a Remedial  
2 Action Plan approved by the Agency under the terms of which the  
3 Remediation Applicant will remediate groundwater for more than  
4 one year. The Agency must review the application to determine  
5 whether the costs submitted are remediation costs and whether  
6 the costs incurred are reasonable. The application must be on  
7 forms prescribed and provided by the Agency. At a minimum, the  
8 application must include the following:

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

13 (2) A copy of the Agency letter approving the Remedial  
14 Action Plan.

15 (3) A demonstration that the release of the regulated  
16 substances of concern for which the Remedial Action Plan  
17 was approved was not caused or contributed to in any  
18 material respect by the Remediation Applicant. The Agency  
19 must make determinations as to reimbursement availability  
20 consistent with rules adopted by the Pollution Control  
21 Board for the administration and enforcement of Section  
22 58.9 of this Act.

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



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

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

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

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

12           (9) Any other information deemed appropriate by the  
13 Agency.

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

24           (h) (1) Within 60 days after receipt by the Agency of an  
25 application meeting the requirements of subdivision (B)(e)  
26 or (B)(f), the Agency must issue a letter to the applicant

1 approving, disapproving, or modifying the remediation  
2 costs submitted in the application. If an application is  
3 disapproved or approved with modification of remediation  
4 costs, then the Agency's letter must set forth the reasons  
5 for the disapproval or modification.

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

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

25 (i) (1) A Remediation Applicant may obtain a preliminary  
26 review of estimated remediation costs for the development

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

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

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

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

24 (5) Within the applicable period of review, the Agency  
25 must issue a letter to the Remediation Applicant approving,  
26 disapproving, or modifying the estimated remediation costs

1 submitted in the budget plan. If a budget plan is  
2 disapproved or approved with modification of estimated  
3 remediation costs, the Agency's letter must set forth the  
4 reasons for the disapproval or modification.

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

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

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

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

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

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

1 Fund. Total payments made to all Remediation Applicants by the  
2 Agency for purposes of this subsection (B) must not exceed  
3 \$1,000,000 in State fiscal year 2002.

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

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

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

25 Section 960. The Solid Waste Planning and Recycling Act is

1 amended by changing Section 7 as follows:

2 (415 ILCS 15/7) (from Ch. 85, par. 5957)

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

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

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

1 stringent than that required by the county waste management  
2 plan.

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

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

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

15 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

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

19 "Agency" means the Environmental Protection Agency.

20 "Department", when a particular entity is not specified,  
21 means (i) in the case of a function to be performed on or after  
22 July 1, 1995 (the effective date of the Department of Natural  
23 Resources Act) and until the effective date of this amendatory  
24 Act of the 101st General Assembly, the Department of Commerce

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

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

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

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

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

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

26 "Recovered paper material" means paper waste generated



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

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

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

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

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

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

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

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

2 Sec. 3. State agency materials recycling program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14           (i) postconsumer material;

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

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

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

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

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

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

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



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

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

11 (l) (Blank).

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

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

1 aluminum can recycling program under this Section.

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

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

13 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

14 Sec. 3.1. Institutions of higher learning.

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

23 (b) Each State-supported institution of higher learning  
24 shall develop a comprehensive waste reduction plan covering a  
25 period of 10 years which addresses the management of solid

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

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

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

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

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

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

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

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

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

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

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

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

14 (b) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 report:

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

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

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

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

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

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

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

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

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

1 (415 ILCS 110/2002.03 new)

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

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

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

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

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

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

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

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

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

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

11 (415 ILCS 110/2008) (from Ch. 96 1/2, par. 9758)

12 Sec. 2008. Comparable quality standards.

13 (a) For the purposes of implementing and enforcing this  
14 Act, the Agency ~~Department~~ shall set comparable quality  
15 standards for each of the grades of newsprint available from  
16 all suppliers of newsprint to determine the comparable quality  
17 of recycled content newsprint to virgin material. The standards  
18 shall be based on the average numerical standards of printing  
19 opacity, brightness level, and cross machine tear strength.

20 (b) The Agency ~~Department~~ shall review its standards at  
21 least once every 2 years and determine whether they should be  
22 adjusted to reflect changes in industry standards and  
23 practices, and if so, the Agency ~~Department~~ shall set new  
24 standards.

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

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

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

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

10 (415 ILCS 110/2011) (from Ch. 96 1/2, par. 9761)

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

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

19 (415 ILCS 110/2012) (from Ch. 96 1/2, par. 9762)

20 Sec. 2012. Prices; confidential proprietary information.  
21 Specific information on newsprint prices included as part of a  
22 certificate submitted to the Agency Department by newsprint  
23 consumers or suppliers is proprietary information and shall not

1 be made available to the general public.

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

3 (415 ILCS 110/2013) (from Ch. 96 1/2, par. 9763)

4 Sec. 2013. Mandatory recycling.

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

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

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

22 (d) A consumer of newsprint who has made previous contracts  
23 with newsprint suppliers before January 1, 1991, may be exempt  
24 from the requirements of this Act if those requirements are in  
25 conflict with the agreements set forth in the contract. The

1 consumer of newsprint must conform to the conditions of this  
2 Act immediately upon expiration or nullification of the  
3 contract. Contracts may not be entered into or renewed as an  
4 attempt to evade the requirements of this Act.

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

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

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

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

19 (415 ILCS 120/15)

20 Sec. 15. Rulemaking. The Agency shall promulgate rules and  
21 dedicate sufficient resources to implement the purposes of  
22 Section 30 of this Act. Such rules shall be consistent with the  
23 provisions of the Clean Air Act Amendments of 1990 and any  
24 regulations promulgated pursuant thereto. The Secretary of

1 State may promulgate rules to implement Section 35 of this Act.  
2 The Agency ~~Department of Commerce and Economic Opportunity~~ may  
3 promulgate rules to implement Section 25 of this Act.  
4 (Source: P.A. 94-793, eff. 5-19-06.)

5 (415 ILCS 120/31)

6 Sec. 31. Alternate Fuel Infrastructure Program. Subject to  
7 appropriation, the Agency may ~~Department of Commerce and~~  
8 ~~Community Affairs (now Department of Commerce and Economic~~  
9 ~~Opportunity)~~ shall establish a grant program to provide funding  
10 for the building of E85 blend, propane, at least 20% biodiesel  
11 blended fuel, and compressed natural gas (CNG) fueling  
12 facilities, including private on-site fueling facilities, to  
13 be built within the covered area or in Illinois metropolitan  
14 areas over 100,000 in population. The Agency ~~Department of~~  
15 ~~Commerce and Economic Opportunity~~ shall be responsible for  
16 reviewing the proposals and awarding the grants.  
17 (Source: P.A. 94-62, eff. 6-20-05.)

18 (415 ILCS 120/32)

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



1 using alternate fuels. The program shall include a media  
2 campaign.

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

4 Section 995. The Prevailing Wage Act is amended by changing  
5 Section 2 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

13 As used in this Act, unless the context indicates  
14 otherwise:

15 "Public works" means all fixed works constructed or  
16 demolished by any public body, or paid for wholly or in part  
17 out of public funds. "Public works" as defined herein includes  
18 all projects financed in whole or in part with bonds, grants,  
19 loans, or other funds made available by or through the State or  
20 any of its political subdivisions, including but not limited  
21 to: bonds issued under the Industrial Project Revenue Bond Act  
22 (Article 11, Division 74 of the Illinois Municipal Code), the  
23 Industrial Building Revenue Bond Act, the Illinois Finance  
24 Authority Act, the Illinois Sports Facilities Authority Act, or

1 the Build Illinois Bond Act; loans or other funds made  
2 available pursuant to the Build Illinois Act; loans or other  
3 funds made available pursuant to the Riverfront Development  
4 Fund under Section 10-15 of the River Edge Redevelopment Zone  
5 Act; or funds from the Fund for Illinois' Future under Section  
6 6z-47 of the State Finance Act, funds for school construction  
7 under Section 5 of the General Obligation Bond Act, funds  
8 authorized under Section 3 of the School Construction Bond Act,  
9 funds for school infrastructure under Section 6z-45 of the  
10 State Finance Act, and funds for transportation purposes under  
11 Section 4 of the General Obligation Bond Act. "Public works"  
12 also includes (i) all projects financed in whole or in part  
13 with funds from the Environmental Protection Agency ~~Department~~  
14 ~~of Commerce and Economic Opportunity~~ under the Illinois  
15 Renewable Fuels Development Program Act for which there is no  
16 project labor agreement; (ii) all work performed pursuant to a  
17 public private agreement under the Public Private Agreements  
18 for the Illiana Expressway Act or the Public-Private Agreements  
19 for the South Suburban Airport Act; and (iii) all projects  
20 undertaken under a public-private agreement under the  
21 Public-Private Partnerships for Transportation Act. "Public  
22 works" also includes all projects at leased facility property  
23 used for airport purposes under Section 35 of the Local  
24 Government Facility Lease Act. "Public works" also includes the  
25 construction of a new wind power facility by a business  
26 designated as a High Impact Business under Section 5.5(a) (3) (E)

1 of the Illinois Enterprise Zone Act. "Public works" does not  
2 include work done directly by any public utility company,  
3 whether or not done under public supervision or direction, or  
4 paid for wholly or in part out of public funds. "Public works"  
5 also includes any corrective action performed pursuant to Title  
6 XVI of the Environmental Protection Act for which payment from  
7 the Underground Storage Tank Fund is requested. "Public works"  
8 does not include projects undertaken by the owner at an  
9 owner-occupied single-family residence or at an owner-occupied  
10 unit of a multi-family residence. "Public works" does not  
11 include work performed for soil and water conservation purposes  
12 on agricultural lands, whether or not done under public  
13 supervision or paid for wholly or in part out of public funds,  
14 done directly by an owner or person who has legal control of  
15 those lands.

16 "Construction" means all work on public works involving  
17 laborers, workers or mechanics. This includes any maintenance,  
18 repair, assembly, or disassembly work performed on equipment  
19 whether owned, leased, or rented.

20 "Locality" means the county where the physical work upon  
21 public works is performed, except (1) that if there is not  
22 available in the county a sufficient number of competent  
23 skilled laborers, workers and mechanics to construct the public  
24 works efficiently and properly, "locality" includes any other  
25 county nearest the one in which the work or construction is to  
26 be performed and from which such persons may be obtained in

1 sufficient numbers to perform the work and (2) that, with  
2 respect to contracts for highway work with the Department of  
3 Transportation of this State, "locality" may at the discretion  
4 of the Secretary of the Department of Transportation be  
5 construed to include two or more adjacent counties from which  
6 workers may be accessible for work on such construction.

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

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

19 The terms "general prevailing rate of hourly wages",  
20 "general prevailing rate of wages" or "prevailing rate of  
21 wages" when used in this Act mean the hourly cash wages plus  
22 annualized fringe benefits for training and apprenticeship  
23 programs approved by the U.S. Department of Labor, Bureau of  
24 Apprenticeship and Training, health and welfare, insurance,  
25 vacations and pensions paid generally, in the locality in which  
26 the work is being performed, to employees engaged in work of a

1 similar character on public works.

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

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

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.

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