



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2785

Introduced 2/19/2021, by Rep. Ann M. Williams

#### 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. Provides that the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is repealed on December 31, 2025 (rather than 2021). Effective immediately.

LRB102 13785 CPF 19135 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

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

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

1 shall be exercised by the Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10           Section 45. Rules.

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

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

1 filed by the Environmental Protection Agency.

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

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

15 Section 55. Acts and actions unaffected by transfer.

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

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

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

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

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

16 (20 ILCS 627/15)

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



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

2 Section 910. The Renewable Energy, Energy Efficiency, and  
3 Coal Resources Development Law of 1997 is amended by changing  
4 Sections 6-3, 6-4, 6-5, 6-5.5, 6-6, and 6-7 as follows:

5 (20 ILCS 687/6-3)

6 (Section scheduled to be repealed on December 31, 2021)

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

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

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

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

1 (d) To the extent that funds are available and  
2 appropriated, the Agency ~~Department~~ shall provide grants,  
3 loans, and other incentives to applicants that meet the  
4 criteria specified by the Agency ~~Department~~.

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

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

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

1 including federal funds, for deposit into the Fund.

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

3 (20 ILCS 687/6-4)

4 (Section scheduled to be repealed on December 31, 2021)

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

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

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

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

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

18 (20 ILCS 687/6-5)

19 (Section scheduled to be repealed on December 31, 2021)

20 Sec. 6-5. Renewable Energy Resources and Coal Technology  
21 Development Assistance Charge.

22 (a) Notwithstanding the provisions of Section 16-111 of  
23 the Public Utilities Act but subject to subsection (e) of this  
24 Section, each public utility, electric cooperative, as defined

1 in Section 3.4 of the Electric Supplier Act, and municipal  
2 utility, as referenced in Section 3-105 of the Public  
3 Utilities Act, that is engaged in the delivery of electricity  
4 or the distribution of natural gas within the State of  
5 Illinois shall, effective January 1, 1998, assess each of its  
6 customer accounts a monthly Renewable Energy Resources and  
7 Coal Technology Development Assistance Charge. The delivering  
8 public utility, municipal electric or gas utility, or electric  
9 or gas cooperative for a self-assessing purchaser remains  
10 subject to the collection of the fee imposed by this Section.  
11 The monthly charge shall be as follows:

12 (1) \$0.05 per month on each account for residential  
13 electric service as defined in Section 13 of the Energy  
14 Assistance Act;

15 (2) \$0.05 per month on each account for residential  
16 gas service as defined in Section 13 of the Energy  
17 Assistance Act;

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

22 (4) \$0.50 per month on each account for nonresidential  
23 gas service, as defined in Section 13 of the Energy  
24 Assistance Act, which had distributed to it less than  
25 4,000,000 therms of gas during the previous calendar year;

26 (5) \$37.50 per month on each account for

1 nonresidential electric service, as defined in Section 13  
2 of the Energy Assistance Act, which had 10 megawatts or  
3 greater of peak demand during the previous calendar year;  
4 and

5 (6) \$37.50 per month on each account for  
6 nonresidential gas service, as defined in Section 13 of  
7 the Energy Assistance Act, which had 4,000,000 or more  
8 therms of gas distributed to it during the previous  
9 calendar year.

10 (b) The Renewable Energy Resources and Coal Technology  
11 Development Assistance Charge assessed by electric and gas  
12 public utilities shall be considered a charge for public  
13 utility service.

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

1 supporting research on the capture and sequestration of carbon  
2 emissions produced by coal combustion; and (3) improving coal  
3 miner safety.

4 (d) By the 20th day of the month following the month in  
5 which the charges imposed by this Section were collected, each  
6 utility and alternative retail electric supplier collecting  
7 charges pursuant to this Section shall remit to the Department  
8 of Revenue for deposit in the Renewable Energy Resources Trust  
9 Fund and the Coal Technology Development Assistance Fund all  
10 moneys received as payment of the charge provided for in this  
11 Section on a return prescribed and furnished by the Department  
12 of Revenue showing such information as the Department of  
13 Revenue may reasonably require.

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

20 (e) The charges imposed by this Section shall only apply  
21 to customers of municipal electric or gas utilities and  
22 electric or gas cooperatives if the municipal electric or gas  
23 utility or electric or gas cooperative makes an affirmative  
24 decision to impose the charge. If a municipal electric or gas  
25 utility or an electric or gas cooperative makes an affirmative  
26 decision to impose the charge provided by this Section, the

1 municipal electric or gas utility or electric or gas  
2 cooperative shall inform the Department of Revenue in writing  
3 of such decision when it begins to impose the charge. If a  
4 municipal electric or gas utility or electric or gas  
5 cooperative does not assess this charge, its customers shall  
6 not be eligible for the Renewable Energy Resources Program.

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

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

10 (20 ILCS 687/6-5.5)

11 (Section scheduled to be repealed on December 31, 2021)

12 Sec. 6-5.5. Renewable energy grants.

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

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

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

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

5 (20 ILCS 687/6-6)

6 (Section scheduled to be repealed on December 31, 2021)

7 Sec. 6-6. Energy efficiency program.

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



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

20 (b) The Agency ~~Department of Commerce and Economic~~  
21 ~~Opportunity~~ shall disburse the moneys in the Energy Efficiency  
22 Trust Fund to benefit residential electric customers through  
23 projects which the Agency ~~Department of Commerce and Economic~~  
24 ~~Opportunity~~ has determined will promote energy efficiency in  
25 the State of Illinois. The Department of Commerce and Economic  
26 Opportunity shall establish a list of projects eligible for

1 grants from the Energy Efficiency Trust Fund including, but  
2 not limited to, supporting energy efficiency efforts for  
3 low-income households, replacing energy inefficient windows  
4 with more efficient windows, replacing energy inefficient  
5 appliances with more efficient appliances, replacing energy  
6 inefficient lighting with more efficient lighting, insulating  
7 dwellings and buildings, using market incentives to encourage  
8 energy efficiency, and such other projects which will increase  
9 energy efficiency in homes and rental properties.

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

13 (d) (Blank). ~~The Department of Commerce and Economic~~  
14 ~~Opportunity shall conduct a study of other possible energy~~  
15 ~~efficiency improvements and evaluate methods for promoting~~  
16 ~~energy efficiency and conservation, especially for the benefit~~  
17 ~~of low income customers.~~

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

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

1 (20 ILCS 687/6-7)

2 (Section scheduled to be repealed on December 31, 2021)

3 Sec. 6-7. Repeal. The provisions of this Law are repealed  
4 on December 31, 2025 ~~2021~~.

5 (Source: P.A. 101-639, eff. 6-12-20.)

6 Section 915. The Illinois Renewable Fuels Development  
7 Program Act is amended by changing Sections 5, 10, 15, 25, and  
8 30 as follows:

9 (20 ILCS 689/5)

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

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

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

9 (20 ILCS 689/10)

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

11 "Agency" means the Environmental Protection Agency.

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

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

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

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

23 "Diesel fuel" means any product intended for use or  
24 offered for sale as a fuel for engines in which the fuel is  
25 injected into the combustion chamber and ignited by pressure

1 without electric spark.

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

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

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

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

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

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

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

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

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

1 combustion engine.

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

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

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

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

17 (20 ILCS 689/15)

18 Sec. 15. Illinois Renewable Fuels Development Program.

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

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

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

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

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

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

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

15           (20 ILCS 689/25)

16           Sec. 25. Project labor agreements.

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

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

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

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

1 The owner of the plant and the labor organizations shall have  
2 the authority to include other terms and conditions as they  
3 deem necessary.

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

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

13 (20 ILCS 689/30)

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

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

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

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

21 Sec. 1. Definitions; transfer of duties.

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



1 "Department" means the Department of Commerce and  
2 Economic Opportunity.

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

5 (b) As provided in Section 80-20 of the Department of  
6 Natural Resources Act, the Department of Commerce and  
7 Community Affairs (now Department of Commerce and Economic  
8 Opportunity) shall assume the rights, powers, and duties of  
9 the former Department of Energy and Natural Resources under  
10 this Act, except as those rights, powers, and duties are  
11 otherwise allocated or transferred by this amendatory Act of  
12 the 102nd General Assembly or any other law.

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

14 (20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

15 Sec. 3. Powers and duties.

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

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

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

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

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

12           (5) (Blank).

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

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

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

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

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

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

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

26          The Office of Coal Development and Marketing shall

1 develop and implement an initiative to assist the coal  
2 industry in Illinois to increase its share of the  
3 international coal market.

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

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

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

19 (b) (Blank).

20 (c) (Blank).

21 (d) The Agency ~~Department~~ shall develop a package of  
22 educational materials containing information regarding the  
23 necessity of waste reduction and recycling to reduce  
24 dependence on landfills and to maintain environmental quality.  
25 The Agency ~~Department~~ shall make this information available to  
26 the public on its website and for schools to access for their

1 development of materials. Those materials shall be suitable  
2 for instructional use in grades 3, 4 and 5.

3 (e) (Blank).

4 (f) (Blank).

5 (g) (Blank).

6 (h) (Blank).

7 (i) (Blank).

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

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

11 (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

12 Sec. 4. Technical Assistance Programs.

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

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

24 (c) The Technical Assistance Programs provided in this

1 Section shall be supported by funds provided to the State  
2 pursuant to the federal "Energy Policy and Conservation Act of  
3 1975" or other federal acts that provide funds for energy  
4 conservation efforts through the use of building codes.

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

6 (20 ILCS 1115/5 rep.)

7 Section 930. The Energy Conservation Act is amended by  
8 repealing Section 5.

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

11 (20 ILCS 3125/10)

12 Sec. 10. Definitions.

13 "Agency" means the Environmental Protection Agency.

14 "Board" means the Capital Development Board.

15 "Building" includes both residential buildings and  
16 commercial buildings.

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

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

1       ~~"Department" means the Department of Commerce and Economic~~  
2 ~~Opportunity.~~

3       "Municipality" means any city, village, or incorporated  
4 town.

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

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

18       (20 ILCS 3125/15)

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

1 applying to the construction of all residential buildings in  
2 the State, except as provided for in Section 45 of this Act.  
3 The Board may appropriately adapt the International Energy  
4 Conservation Code to apply to the particular economy,  
5 population distribution, geography, and climate of the State  
6 and construction therein, consistent with the public policy  
7 objectives of this Act.

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

9 (20 ILCS 3125/25)

10 Sec. 25. Technical assistance.

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

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

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

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

24 (20 ILCS 3125/30)



1           Sec. 30. Enforcement. The Board, in consultation with the  
2 Agency Department, shall determine procedures for compliance  
3 with the Code. These procedures may include but need not be  
4 limited to certification by a national, State, or local  
5 accredited energy conservation program or inspections from  
6 private Code-certified inspectors using the Code.

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

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

10           (20 ILCS 3954/20)

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

19           (a)           Establishing           long-term           environmental  
20           sustainability goals that the State will strive to achieve  
21           within a period of 3, 5, and 10 years to improve the energy  
22           and environmental performance of State buildings,  
23           consistent with efficiency and economic objectives. These  
24           goals shall, at a minimum, include the following:

1 broad-based performance goals for energy efficiency; use  
2 of renewable fuels; water conservation; green purchasing;  
3 paper consumption; and solid waste generation. These goals  
4 can be met through increased efficiency, operational  
5 changes, and improved maintenance and use of  
6 cost-effective alternative technologies, raw materials,  
7 and fuels.

8 The Council shall:

9 (1) communicate the environmental sustainability  
10 goals to all State agencies;

11 (2) establish an electronic system to track and  
12 report on environmental progress;

13 (3) monitor improvement activities; and

14 (4) propose new goals as appropriate.

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

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

1 environmental and energy best practices, case studies,  
2 policy language, model plans, and other resource  
3 information. These materials must be made available on a  
4 website devoted to the Green Governments Illinois program.

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

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

22 (f) Working collaboratively with State agencies, units  
23 of local government, educational institutions, and the  
24 legislative branches of government to promote  
25 benchmarking, commissioning, and retro-commissioning to  
26 make government and institutional buildings more

1 resource-efficient, energy efficient, and healthful public  
2 places.

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

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

20 (h-5) Participating in the proposal review and  
21 subgrant award processes conducted by the Environmental  
22 Protection Agency ~~Department of Commerce and Economic~~  
23 ~~Opportunity~~ to distribute the portion of funds eligible  
24 for State government use under the federal Energy  
25 Independence and Security Act of 2007, H.R. 6, Title V,  
26 Subtitle E (Energy Efficiency and Conservation Block

1 Grants). A designee of the Governor shall also participate  
2 in these processes, and no subgrant may be awarded unless  
3 the Governor's designee first approves that subgrant.

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

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

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

13 (105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)

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

16 (a) Definitions. As used in this Section, the following  
17 terms shall have the meanings indicated, unless the context  
18 otherwise requires:

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

21 "High grade printing and writing papers" includes offset  
22 printing paper, duplicator paper, writing paper (stationery),  
23 tablet paper, office paper, note pads, xerographic paper,  
24 envelopes, form bond including computer paper and carbonless

1 forms, book papers, bond papers, ledger paper, book stock and  
2 cotton fiber papers.

3 "Paper and paper products" means high grade printing and  
4 writing papers, tissue products, newsprint, unbleached  
5 packaging and recycled paperboard.

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

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

22 "Recycled paperboard" includes paperboard products,  
23 folding cartons and pad backings.

24 "Tissue products" includes toilet tissue, paper towels,  
25 paper napkins, facial tissue, paper doilies, industrial  
26 wipers, paper bags and brown papers. These products shall also

1 be unscented and shall not be colored.

2 "Unbleached packaging" includes corrugated and fiber  
3 storage boxes.

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

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

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

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

6           (3) Beginning July 1, 2014, at least 50% 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           (4) Beginning July 1, 2020, at least 75% 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           (5) Beginning upon the effective date of this  
17 amendatory Act of 1992, all paper purchased by the board  
18 of education, public schools and attendance centers for  
19 publication of student newspapers shall be recycled  
20 newsprint. The amount purchased shall not be included in  
21 calculating the amounts specified in paragraphs (1)  
22 through (4).

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



1 newspapers.

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

6 (i) Recycled high grade printing and writing paper  
7 shall contain at least 50% recovered paper material. Such  
8 recovered paper material, until July 1, 2008, shall  
9 consist of at least 20% deinked stock or postconsumer  
10 material; and beginning July 1, 2008, shall consist of at  
11 least 25% deinked stock or postconsumer material; and  
12 beginning July 1, 2010, shall consist of at least 30%  
13 deinked stock or postconsumer material; and beginning July  
14 1, 2012, shall consist of at least 40% deinked stock or  
15 postconsumer material; and beginning July 1, 2014, shall  
16 consist of at least 50% deinked stock or postconsumer  
17 material.

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

26 (iii) Recycled newsprint, until July 1, 1994, shall

1 contain at least 40% postconsumer material; and beginning  
2 July 1, 1994, shall contain at least 50% postconsumer  
3 material; and beginning July 1, 1996, shall contain at  
4 least 60% postconsumer material; and beginning July 1,  
5 1998, shall contain at least 70% postconsumer material;  
6 and beginning July 1, 2000, shall contain at least 80%  
7 postconsumer material.

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

16 (v) Recycled paperboard, until July 1, 1994, shall  
17 contain at least 80% postconsumer material; and beginning  
18 July 1, 1994, shall contain at least 85% postconsumer  
19 material; and beginning July 1, 1996, shall contain at  
20 least 90% postconsumer material; and beginning July 1,  
21 1998, shall contain at least 95% postconsumer material.

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

24 (i) paper, paperboard, and fibrous waste from  
25 retail stores, office buildings, homes and so forth,  
26 after the waste has passed through its end usage as a

1 consumer item, including used corrugated boxes, old  
2 newspapers, mixed waste paper, tabulating cards, and  
3 used cordage; and

4 (ii) all paper, paperboard, and fibrous wastes  
5 that are diverted or separated from the municipal  
6 waste stream.

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

9 (i) postconsumer material;

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

20 (iii) finished paper and paperboard from obsolete  
21 inventories of paper and paperboard manufacturers,  
22 merchants, wholesalers, dealers, printers, converters  
23 or others.

24 (e) Nothing in this Section shall be deemed to apply to art  
25 materials, nor to any newspapers, magazines, text books,  
26 library books or other copyrighted publications which are

1 purchased or used by any school board or any public school or  
2 attendance center within a school district, or which are sold  
3 in any school supply store operated by or within any such  
4 school or attendance center, other than newspapers written,  
5 edited or produced by students enrolled in the school  
6 district, public school or attendance center.

7 (e-5) Each school district shall periodically review its  
8 procedures on solid waste reduction regarding the management  
9 of solid waste generated by academic, administrative, and  
10 other institutional functions. Those waste reduction  
11 procedures must be designed to, when economically and  
12 practically feasible, recycle the school district's waste  
13 stream, including without limitation landscape waste, computer  
14 paper, and white office paper. School districts are encouraged  
15 to have procedures that provide for the investigation of  
16 potential markets for other recyclable materials that are  
17 present in the school district's waste stream. The waste  
18 reduction procedures must be designed to achieve, before July  
19 1, 2020, at least a 50% reduction in the amount of solid waste  
20 that is generated by the school district.

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

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

1 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

2 Sec. 34-18.15. Recycled paper and paper products and solid  
3 waste management.

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

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

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

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

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

23 "Recovered paper material" means paper waste generated  
24 after the completion of the papermaking process, such as  
25 postconsumer materials, envelope cuttings, bindery trimmings,

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

9 "Recycled paperboard" includes paperboard products,  
10 folding cartons and pad backings.

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

15 "Unbleached packaging" includes corrugated and fiber  
16 storage boxes.

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

1 that contain the highest amount of recycled material and that  
2 are consistent with the effective use of the product or  
3 supply, if economically and practically feasible.

4 (b) Wherever economically and practically feasible, as  
5 determined by the board of education, the board of education,  
6 all public schools and attendance centers within the school  
7 district, and their school supply stores shall procure  
8 recycled paper and paper products as follows:

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

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

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

24 (4) Beginning July 1, 2020, at least 75% of the total  
25 dollar value of paper and paper products purchased by the  
26 board of education, public schools and attendance centers,

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

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

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

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

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



1           1, 2012, shall consist of at least 40% deinked stock or  
2           postconsumer material; and beginning July 1, 2014, shall  
3           consist of at least 50% deinked stock or postconsumer  
4           material.

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

13          (iii) Recycled newsprint, until July 1, 1994, shall  
14          contain at least 40% postconsumer material; and beginning  
15          July 1, 1994, shall contain at least 50% postconsumer  
16          material; and beginning July 1, 1996, shall contain at  
17          least 60% postconsumer material; and beginning July 1,  
18          1998, shall contain at least 70% postconsumer material;  
19          and beginning July 1, 2000, shall contain at least 80%  
20          postconsumer material.

21          (iv) Recycled unbleached packaging, until July 1,  
22          1994, shall contain at least 35% postconsumer material;  
23          and beginning July 1, 1994, shall contain at least 40%  
24          postconsumer material; and beginning July 1, 1996, shall  
25          contain at least 45% postconsumer material; and beginning  
26          July 1, 1998, shall contain at least 50% postconsumer

1 material; and beginning July 1, 2000, shall contain at  
2 least 55% postconsumer material.

3 (v) Recycled paperboard, until July 1, 1994, shall  
4 contain at least 80% postconsumer material; and beginning  
5 July 1, 1994, shall contain at least 85% postconsumer  
6 material; and beginning July 1, 1996, shall contain at  
7 least 90% postconsumer material; and beginning July 1,  
8 1998, shall contain at least 95% postconsumer material.

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

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

17 (ii) all paper, paperboard, and fibrous wastes  
18 that are diverted or separated from the municipal  
19 waste stream.

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

22 (i) postconsumer material;

23 (ii) dry paper and paperboard waste generated  
24 after completion of the papermaking process (that is,  
25 those manufacturing operations up to and including the  
26 cutting and trimming of the paper machine reel into

1 smaller rolls or rough sheets), including envelope  
2 cuttings, bindery trimmings, and other paper and  
3 paperboard waste resulting from printing, cutting,  
4 forming and other converting operations, or from bag,  
5 box and carton manufacturing, and butt rolls, mill  
6 wrappers, and rejected unused stock; and

7 (iii) finished paper and paperboard from obsolete  
8 inventories of paper and paperboard manufacturers,  
9 merchants, wholesalers, dealers, printers, converters  
10 or others.

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

20 (e-5) The school district shall periodically review its  
21 procedures on solid waste reduction regarding the management  
22 of solid waste generated by academic, administrative, and  
23 other institutional functions. Those waste reduction  
24 procedures must be designed to, when economically and  
25 practically feasible, recycle the school district's waste  
26 stream, including without limitation landscape waste, computer

1 paper, and white office paper. The school district is  
2 encouraged to have procedures that provide for the  
3 investigation of potential markets for other recyclable  
4 materials that are present in the school district's waste  
5 stream. The waste reduction procedures must be designed to  
6 achieve, before July 1, 2020, at least a 50% reduction in the  
7 amount of solid waste that is generated by the school  
8 district.

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

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

15 Section 950. The Environmental Protection Act is amended  
16 by changing Sections 22.15, 22.16b, 55.3, 55.7, 58.14a, and  
17 58.15 as follows:

18 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

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

20 (a) There is hereby created within the State Treasury a  
21 special fund to be known as the Solid Waste Management Fund, to  
22 be constituted from the fees collected by the State pursuant  
23 to this Section, from repayments of loans made from the Fund  
24 for solid waste projects, from registration fees collected

1 pursuant to the Consumer Electronics Recycling Act, and from  
2 amounts transferred into the Fund pursuant to Public Act  
3 100-433. Moneys received by either the Agency or the  
4 Department of Commerce and Economic Opportunity in repayment  
5 of loans made pursuant to the Illinois Solid Waste Management  
6 Act shall be deposited into the General Revenue Fund.

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

24 (1) If more than 150,000 cubic yards of non-hazardous  
25 solid waste is permanently disposed of at a site in a  
26 calendar year, the owner or operator shall either pay a

1 fee of 95 cents per cubic yard or, alternatively, the  
2 owner or operator may weigh the quantity of the solid  
3 waste permanently disposed of with a device for which  
4 certification has been obtained under the Weights and  
5 Measures Act and pay a fee of \$2.00 per ton of solid waste  
6 permanently disposed of. In no case shall the fee  
7 collected or paid by the owner or operator under this  
8 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

9 (2) If more than 100,000 cubic yards but not more than  
10 150,000 cubic yards of non-hazardous waste is permanently  
11 disposed of at a site in a calendar year, the owner or  
12 operator shall pay a fee of \$52,630.

13 (3) If more than 50,000 cubic yards but not more than  
14 100,000 cubic yards of non-hazardous solid waste is  
15 permanently disposed of at a site in a calendar year, the  
16 owner or operator shall pay a fee of \$23,790.

17 (4) If more than 10,000 cubic yards but not more than  
18 50,000 cubic yards of non-hazardous solid waste is  
19 permanently disposed of at a site in a calendar year, the  
20 owner or operator shall pay a fee of \$7,260.

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

25 (c) (Blank).

26 (d) The Agency shall establish rules relating to the

1 collection of the fees authorized by this Section. Such rules  
2 shall include, but not be limited to:

3 (1) necessary records identifying the quantities of  
4 solid waste received or disposed;

5 (2) the form and submission of reports to accompany  
6 the payment of fees to the Agency;

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

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

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

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

26 (g) On the first day of January, April, July, and October

1 of each year, beginning on July 1, 1996, the State Comptroller  
2 and Treasurer shall transfer \$500,000 from the Solid Waste  
3 Management Fund to the Hazardous Waste Fund. Moneys  
4 transferred under this subsection (g) shall be used only for  
5 the purposes set forth in item (1) of subsection (d) of Section  
6 22.2.

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

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

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



1 tax or surcharge imposed by all units of local government  
2 under this subsection (j) upon the solid waste disposal  
3 facility shall not exceed:

4 (1) 60¢ per cubic yard if more than 150,000 cubic  
5 yards of non-hazardous solid waste is permanently disposed  
6 of at the site in a calendar year, unless the owner or  
7 operator weighs the quantity of the solid waste received  
8 with a device for which certification has been obtained  
9 under the Weights and Measures Act, in which case the fee  
10 shall not exceed \$1.27 per ton of solid waste permanently  
11 disposed of.

12 (2) \$33,350 if more than 100,000 cubic yards, but not  
13 more than 150,000 cubic yards, of non-hazardous waste is  
14 permanently disposed of at the site in a calendar year.

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

19 (4) \$4,650 if more than 10,000 cubic yards, but not  
20 more than 50,000 cubic yards, of non-hazardous solid waste  
21 is permanently disposed of at the site in a calendar year.

22 (5) \$650 if not more than 10,000 cubic yards of  
23 non-hazardous solid waste is permanently disposed of at  
24 the site in a calendar year.

25 The corporate authorities of the unit of local government  
26 may use proceeds from the fee, tax, or surcharge to reimburse a

1 highway commissioner whose road district lies wholly or  
2 partially within the corporate limits of the unit of local  
3 government for expenses incurred in the removal of  
4 nonhazardous, nonfluid municipal waste that has been dumped on  
5 public property in violation of a State law or local  
6 ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) waste which is hazardous waste;

13 (2) waste which is pollution control waste;

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

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

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

25 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;  
26 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.

1 8-14-18; 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

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

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

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

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

22 (2) The owner or operator shall provide information  
23 programs to those communities serviced by the owner or  
24 operator concerning the Agency's household hazardous waste  
25 collection program and participation in that program.

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

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

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

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

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

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

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

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

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

23 (4) The operator may not accept for incineration any  
24 waste generated or collected in a municipality that has  
25 not implemented a recycling plan or is party to an  
26 implemented county plan, consistent with State goals and

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

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

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

19 (d) The Agency shall establish household hazardous waste  
20 collection centers in appropriate places in this State. The  
21 Agency may operate and maintain the centers itself or may  
22 contract with other parties for that purpose. The Agency shall  
23 ensure that the wastes collected are properly disposed of. The  
24 collection centers may charge fees for their services, not to  
25 exceed the costs incurred. Such collection centers shall not  
26 (i) be regulated as hazardous waste facilities under RCRA nor



1 (ii) be subject to local siting approval under Section 39.2 if  
2 the local governing authority agrees to waive local siting  
3 approval procedures.

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

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

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

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

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

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

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

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

25 (5) Installation of devices to monitor and control

1 groundwater and surface water contamination related to  
2 tire accumulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) shall not be liable for punitive damages under subsection  
2 (h) of this Section.

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

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

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

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

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

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

22 (1) an act of God;

23 (2) an act of war; or

24 (3) an act or omission of a third party other than an  
25 employee or agent, and other than a person whose act or  
26 omission occurs in connection with a contractual

1 relationship with the person otherwise liable.

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

10 (A) at the time the defendant acquired the  
11 property, the defendant did not know and had no reason  
12 to know that any used or waste tires had been disposed  
13 of or placed on, in or at the property, and the  
14 defendant undertook, at the time of acquisition, all  
15 appropriate inquiries into the previous ownership and  
16 uses of the property consistent with good commercial  
17 or customary practice in an effort to minimize  
18 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  
3 the common law, for injuries, damages or losses resulting from  
4 the 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  
14 contract or agreement secure the services of the Department of  
15 Public Health, any local public health department, or any  
16 other qualified person in treating any such infestation as  
17 part of an emergency or preventive action.

18 (m) Neither the State, the Agency, the Board, the  
19 Director, nor any State employee shall be liable for any  
20 damage or injury arising out of or resulting from any action  
21 taken under this 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  
2 Zone site remediation tax credit under subsection (n) of  
3 Section 201 of the Illinois Income Tax Act, a Remediation  
4 Applicant must first submit to the Agency an application for  
5 review of remediation costs. The Agency shall review the  
6 application ~~in consultation with the Department of Commerce~~  
7 ~~and Economic Opportunity~~. The application and review process  
8 must be conducted in accordance with the requirements of this  
9 Section and the rules adopted under subsection (g). A  
10 preliminary review of the estimated remediation costs for  
11 development and implementation of the Remedial Action Plan may  
12 be obtained in 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  
18 and whether the costs incurred are reasonable. The application  
19 must 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  
3 same site as the one for which the No Further Remediation  
4 Letter 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  
12 Act;

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

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

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

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

26 (8) any other information deemed appropriate by the

1 Agency.

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

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

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

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

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

26 The budget plan must be accompanied by the applicable fee

1 as set forth in subsection (e).

2 The submittal of a budget plan is deemed to be an automatic  
3 60-day waiver of the Remedial Action Plan review deadlines set  
4 forth in this Section and its rules.

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

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

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

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

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

25 The application fee must be made payable to the State of  
26 Illinois, for deposit into the Hazardous Waste Fund. Pursuant

1 to appropriation, the Agency shall use the fees collected  
2 under this subsection for development and administration of  
3 the review program.

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

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

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

14 (415 ILCS 5/58.15)

15 Sec. 58.15. Brownfields Programs.

16 (A) Brownfields Redevelopment Loan Program.

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

25 (b) General requirements for loans:

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

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

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

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

16                 (A) the loan recipient shall secure the loan  
17                 repayment obligation;

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

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

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

25          (6) If the loan recipient fails to make timely  
26          payments or otherwise fails to meet its obligations as

1 provided in this subsection (A) or implementing  
2 regulations, the Agency is authorized to pursue the  
3 collection of the amounts past due, the outstanding loan  
4 balance, and the costs thereby incurred, either pursuant  
5 to the Illinois State Collection Act of 1986 or by any  
6 other means provided by law, including the taking of  
7 title, by foreclosure or otherwise, to any project or  
8 other property pledged, mortgaged, encumbered, or  
9 otherwise available as security or collateral.

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

19 (1) loan application requirements;

20 (2) determination of credit worthiness of the loan  
21 applicant;

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

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

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



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

1 Agency by the loan recipient.

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

7 (B) Brownfields Site Restoration Program.

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

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

24 (3) The Agency must not approve payment in excess of  
25 \$750,000 to a Remediation Applicant for remediation costs

1 incurred at a remediation site. Eligibility must be  
2 determined based on a minimum capital investment in the  
3 redevelopment of the site, and payment amounts must not  
4 exceed the net economic benefit to the State of the  
5 remediation project. In addition to these limitations, the  
6 total payment to be made to an applicant must not exceed an  
7 amount equal to 20% of the capital investment at the site.

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

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

22 (b) Prior to applying to the Agency for payment, a  
23 Remediation Applicant shall first submit to the Agency its  
24 proposed remediation costs. The Agency shall make a  
25 pre-application assessment, which is not to be binding upon  
26 ~~the Department of Commerce and Economic Opportunity or upon~~

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

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

18 (2) Information demonstrating that the site for which  
19 the payment is being sought is abandoned or underutilized  
20 property. "Abandoned property" means real property  
21 previously used for, or that has the potential to be used  
22 for, commercial or industrial purposes that reverted to  
23 the ownership of the State, a county or municipal  
24 government, or an agency thereof, through donation,  
25 purchase, tax delinquency, foreclosure, default, or  
26 settlement, including conveyance by deed in lieu of

1 foreclosure; or privately owned property that has been  
2 vacant for a period of not less than 3 years from the time  
3 an application is made to the Agency ~~Department of~~  
4 ~~Commerce and Economic Opportunity~~. "Underutilized  
5 property" means real property of which less than 35% of  
6 the commercially usable space of the property and  
7 improvements thereon are used for their most commercially  
8 profitable and economically productive uses.

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

26 (4) An application fee in the amount set forth in

1 subdivision (B)(c) for each site for which review of an  
2 application is being sought.

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

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

1 ~~Opportunity.~~

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

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

23 (2) A copy of the No Further Remediation Letter with  
24 official verification that the letter has been recorded in  
25 the chain of title for the site and a demonstration that  
26 the site for which the application is submitted is the

1 same site as the one for which the No Further Remediation  
2 Letter is issued.

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

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

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

17 (6) A demonstration that the costs incurred are  
18 remediation costs as defined in this Act and rules adopted  
19 under this Act.

20 (7) A demonstration that the costs submitted for  
21 review were incurred by the Remediation Applicant who  
22 received the No Further Remediation Letter.

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

26 (9) Any other information deemed appropriate by the



1 Agency.

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

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

16 (2) A copy of the Agency letter approving the Remedial  
17 Action Plan.

18 (3) A demonstration that the release of the regulated  
19 substances of concern for which the Remedial Action Plan  
20 was approved was not caused or contributed to in any  
21 material respect by the Remediation Applicant. The Agency  
22 must make determinations as to reimbursement availability  
23 consistent with rules adopted by the Pollution Control  
24 Board for the administration and enforcement of Section  
25 58.9 of this Act.

26 (4) A copy of the Agency's ~~Department of Commerce and~~

1 ~~Economic Opportunity's~~ letter approving eligibility,  
2 including the net economic benefit of the remediation  
3 project.

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

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

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

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

15 (9) Any other information deemed appropriate by the  
16 Agency.

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

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

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

23 (3) Within 35 days after receipt of an Agency letter  
24 disapproving or modifying an application for approval of  
25 remediation costs, the Remediation Applicant may appeal  
26 the Agency's decision to the Board in the manner provided

1 for the review of permits in Section 40 of this Act.

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

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

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

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

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

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

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

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

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

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

25          (k) Moneys in the Brownfields Redevelopment Fund may be  
26          used for the purposes of this Section, including payment for

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

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

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

1 ineligible as remediation costs.

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

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

5 (415 ILCS 15/7) (from Ch. 85, par. 5957)

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

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

21 If a township within the county is operating a recycling  
22 program on the effective date of the plan which substantially  
23 conforms with or exceeds the requirements of the recycling  
24 program included in the plan, the township may continue to

1 operate its recycling program, and such operation shall  
2 constitute, within the township, implementation of the  
3 recycling program included in the plan. A township may at any  
4 time adopt and implement a recycling program that is more  
5 stringent than that required by the county waste management  
6 plan.

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

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

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

19 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

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

23 "Agency" means the Environmental Protection Agency.

24 "Department", when a particular entity is not specified,



1 means (i) in the case of a function to be performed on or after  
2 July 1, 1995 (the effective date of the Department of Natural  
3 Resources Act) and until the effective date of this amendatory  
4 Act of the 102nd General Assembly, the Department of Commerce  
5 and Community Affairs (now Department of Commerce and Economic  
6 Opportunity), as successor to the former Department of Energy  
7 and Natural Resources under the Department of Natural  
8 Resources Act; or (ii) in the case of a function required to be  
9 performed before July 1, 1995, the former Illinois Department  
10 of Energy and Natural Resources.

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

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

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

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

25 "Postconsumer material" means only those products  
26 generated by a business or consumer which have served their

1 intended end uses, and which have been separated or diverted  
2 from solid waste; wastes generated during production of an end  
3 product are excluded.

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

15 "Recycled paperboard" includes recycled paperboard  
16 products, folding cartons and pad backing.

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

22 "Tissue products" includes toilet tissue, paper towels,  
23 paper napkins, facial tissue, paper doilies, industrial  
24 wipers, paper bags and brown papers.

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

1 "USEPA Guidelines for federal procurement" means all  
2 minimum recycled content standards recommended by the U.S.  
3 Environmental Protection Agency.

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

5 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

6 Sec. 3. State agency materials recycling program.

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

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

20 (b) The Department of Central Management Services, in  
21 coordination with the Agency ~~Department of Commerce and~~  
22 ~~Economic Opportunity~~, shall implement waste reduction  
23 programs, including source separation and collection, for  
24 office wastepaper, corrugated containers, newsprint and mixed  
25 paper, in all State buildings as appropriate and feasible.

1 Such waste reduction programs shall be designed to achieve  
2 waste reductions of at least 25% of all such waste by December  
3 31, 1995, and at least 50% of all such waste by December 31,  
4 2000. Any source separation and collection program shall  
5 include, at a minimum, procedures for collecting and storing  
6 recyclable materials, bins or containers for storing  
7 materials, and contractual or other arrangements with buyers  
8 of recyclable materials. If market conditions so warrant, the  
9 Department of Central Management Services, in coordination  
10 with the Agency ~~Department of Commerce and Economic~~  
11 ~~Opportunity~~, may modify programs developed pursuant to this  
12 Section.

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

20 (c) Each State agency shall, upon consultation with the  
21 Agency ~~Department of Commerce and Economic Opportunity~~,  
22 periodically review its procurement procedures and  
23 specifications related to the purchase of products or  
24 supplies. Such procedures and specifications shall be modified  
25 as necessary to require the procuring agency to seek out  
26 products and supplies that contain recycled materials, and to

1 ensure that purchased products or supplies are reusable,  
2 durable or made from recycled materials whenever economically  
3 and practically feasible. In choosing among products or  
4 supplies that contain recycled material, consideration shall  
5 be given to products and supplies with the highest recycled  
6 material content that is consistent with the effective and  
7 efficient use of the product or supply.

8 (d) Wherever economically and practically feasible, the  
9 Department of Central Management Services shall procure  
10 recycled paper and paper products as follows:

11 (1) Beginning July 1, 1989, at least 10% of the total  
12 dollar value of paper and paper products purchased by the  
13 Department of Central Management Services shall be  
14 recycled paper and paper products.

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

19 (3) Beginning July 1, 1996, at least 40% of the total  
20 dollar value of paper and paper products purchased by the  
21 Department of Central Management Services shall be  
22 recycled paper and paper products.

23 (4) Beginning July 1, 2000, at least 50% of the total  
24 dollar value of paper and paper products purchased by the  
25 Department of Central Management Services shall be  
26 recycled paper and paper products.

1 (e) Paper and paper products purchased from private  
2 vendors pursuant to printing contracts are not considered  
3 paper products for the purposes of subsection (d). However,  
4 the Department of Central Management Services shall report to  
5 the General Assembly on an annual basis the total dollar value  
6 of printing contracts awarded to private sector vendors that  
7 included the use of recycled paper.

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) postconsumer material;

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



1 forming, and other converting operations, or from bag,  
2 box and carton manufacturing, and butt rolls, mill  
3 wrappers, and rejected unused stock; and

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

8 (g) The Department of Central Management Services may  
9 adopt regulations to carry out the provisions and purposes of  
10 this Section.

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

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

1           (j) The Department of Central Management Services shall  
2 submit an annual report to the General Assembly concerning its  
3 implementation of the State's collection and recycled paper  
4 procurement programs. This report shall include a description  
5 of the actions that the Department of Central Management  
6 Services has taken in the previous fiscal year to implement  
7 this Section. This report shall be submitted on or before  
8 November 1 of each year.

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

16           (l) (Blank).

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

1 Proceeds from the sale of used aluminum cans shall be  
2 deposited into I-CYCLE accounts maintained in the Facilities  
3 Management Revolving Fund and, subject to appropriation, shall  
4 be used by the Department of Central Management Services and  
5 any other State agency to offset the costs of implementing the  
6 aluminum can recycling program under this Section.

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

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

17 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

18 Sec. 3.1. Institutions of higher learning.

19 (a) For purposes of this Section "State-supported  
20 institutions of higher learning" or "institutions" means the  
21 University of Illinois, Southern Illinois University, the  
22 colleges and universities under the jurisdiction of the Board  
23 of Governors of State Colleges and Universities, the colleges  
24 and universities under the jurisdiction of the Board of  
25 Regents of Regency Universities, and the public community

1 colleges subject to the Public Community College Act.

2 (b) Each State-supported institution of higher learning  
3 shall develop a comprehensive waste reduction plan covering a  
4 period of 10 years which addresses the management of solid  
5 waste generated by academic, administrative, student housing  
6 and other institutional functions. The waste reduction plan  
7 shall be developed by January 1, 1995. The initial plan  
8 required under this Section shall be updated by the  
9 institution every 5 years, and any proposed amendments to the  
10 plan shall be submitted for review in accordance with  
11 subsection (f).

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

18 (d) Each waste reduction plan shall provide for recycling  
19 of marketable materials currently present in the institution's  
20 waste stream, including but not limited to landscape waste,  
21 corrugated cardboard, computer paper, and white office paper,  
22 and shall provide for the investigation of potential markets  
23 for other recyclable materials present in the institution's  
24 waste stream. The recycling provisions of the waste reduction  
25 plan shall be designed to achieve, by January 1, 2000, at least  
26 a 40% reduction (referenced to a base year of 1987) in the

1 amount of solid waste that is generated by the institution and  
2 identified in the waste reduction plan as being subject to  
3 landfill disposal.

4 (e) Each waste reduction plan shall evaluate the  
5 institution's procurement policies and practices to eliminate  
6 procedures which discriminate against items with recycled  
7 content, and to identify products or items which are procured  
8 by the institution on a frequent or repetitive basis for which  
9 products with recycled content may be substituted. Each waste  
10 reduction plan shall prescribe that it will be the policy of  
11 the institution to purchase products with recycled content  
12 whenever such products have met specifications and standards  
13 of equivalent products which do not contain recycled content.

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

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

1 reduction plans.

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

3 (415 ILCS 20/6) (from Ch. 111 1/2, par. 7056)

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

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

18 (b) (Blank).

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

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

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

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

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

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

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

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

26 The Agency Department is authorized to accept any and all

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

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

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

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

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

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

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



1           may be used.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 975. The Recycled Newsprint Use Act is amended by  
2 changing Sections 2002.03, 2004, 2005, 2007, 2008, 2010, 2011,  
3 2012, and 2013 as follows:

4 (415 ILCS 110/2002.03 new)

5 Sec. 2002.03. Agency. "Agency" means the Environmental  
6 Protection Agency.

7 (415 ILCS 110/2004) (from Ch. 96 1/2, par. 9754)

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

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

21 (415 ILCS 110/2005) (from Ch. 96 1/2, par. 9755)

22 Sec. 2005. Audit. Every consumer of newsprint who submits

1 recycled fiber usage certification may be subject to an audit  
2 by the Agency ~~Department~~ to ensure that the recycled fiber  
3 percentage requirement was met.

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

5 (415 ILCS 110/2007) (from Ch. 96 1/2, par. 9757)

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

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

15 (415 ILCS 110/2008) (from Ch. 96 1/2, par. 9758)

16 Sec. 2008. Comparable quality standards.

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

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

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

7 (415 ILCS 110/2010) (from Ch. 96 1/2, par. 9760)

8 Sec. 2010. Content of delivered newsprint. If any person  
9 knowingly provides a consumer of newsprint with a false or  
10 misleading certificate concerning the recycled fiber  
11 percentage of the delivered newsprint, the Agency ~~Department~~,  
12 within 30 days of making this determination, shall refer the  
13 false or misleading certificate to the Attorney General for  
14 prosecution for fraud.

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

16 (415 ILCS 110/2011) (from Ch. 96 1/2, par. 9761)

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

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

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

2 Sec. 2012. Prices; confidential proprietary information.  
3 Specific information on newsprint prices included as part of a  
4 certificate submitted to the Agency ~~Department~~ by newsprint  
5 consumers or suppliers is proprietary information and shall  
6 not be made available to the general public.

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

8 (415 ILCS 110/2013) (from Ch. 96 1/2, par. 9763)

9 Sec. 2013. Mandatory recycling.

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

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

18 (c) If recycled content newsprint cannot be found that  
19 meets quality standards established by the Agency ~~Department~~,  
20 or if recycled content newsprint cannot be found in sufficient  
21 quantities to meet recycled fiber usage requirements within a  
22 given year, or if recycled newsprint cannot be found at a price  
23 comparable to that of newsprint made from 100% virgin fibers,  
24 the consumer of newsprint shall so certify to the Agency

1 ~~Department~~ and provide the Agency ~~Department~~ with the specific  
2 reasons for failing to meet recycled fiber usage requirements.

3 (d) A consumer of newsprint who has made previous  
4 contracts with newsprint suppliers before January 1, 1991, may  
5 be exempt from the requirements of this Act if those  
6 requirements are in conflict with the agreements set forth in  
7 the contract. The consumer of newsprint must conform to the  
8 conditions of this Act immediately upon expiration or  
9 nullification of the contract. Contracts may not be entered  
10 into or renewed as an attempt to evade the requirements of this  
11 Act.

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

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

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

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



1 (415 ILCS 120/15)

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

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

12 (415 ILCS 120/31)

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

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

2 (415 ILCS 120/32)

3 Sec. 32. Clean Fuel Education Program. Subject to  
4 appropriation, the Agency ~~Department of Commerce and Economic~~  
5 ~~Opportunity~~, in cooperation with the ~~Agency~~ and Chicago Area  
6 Clean Cities, may ~~shall~~ administer the Clean Fuel Education  
7 Program, the purpose of which is to educate fleet  
8 administrators and Illinois' citizens about the benefits of  
9 using alternate fuels. The program shall include a media  
10 campaign.

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

12 Section 995. The Prevailing Wage Act is amended by  
13 changing Section 2 as follows:

14 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

21 As used in this Act, unless the context indicates  
22 otherwise:

23 "Public works" means all fixed works constructed or

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

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

26 "Construction" means all work on public works involving

1 laborers, workers or mechanics. This includes any maintenance,  
2 repair, assembly, or disassembly work performed on equipment  
3 whether owned, leased, or rented.

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

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

26 "Labor organization" means an organization that is the

1 exclusive representative of an employer's employees recognized  
2 or certified pursuant to the National Labor Relations Act.

3 The terms "general prevailing rate of hourly wages",  
4 "general prevailing rate of wages" or "prevailing rate of  
5 wages" when used in this Act mean the hourly cash wages plus  
6 annualized fringe benefits for training and apprenticeship  
7 programs approved by the U.S. Department of Labor, Bureau of  
8 Apprenticeship and Training, health and welfare, insurance,  
9 vacations and pensions paid generally, in the locality in  
10 which the work is being performed, to employees engaged in  
11 work of a similar character on public works.

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

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

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

22 Section 9999. Effective date. This Act takes effect upon  
23 becoming law.

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1 820 ILCS 130/2

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