



Rep. Ann M. Williams

Filed: 3/31/2021

10200HB2785ham002

LRB102 13785 CPF 24339 a

1 AMENDMENT TO HOUSE BILL 2785

2 AMENDMENT NO. _____. Amend House Bill 2785 by replacing
3 everything after the enacting clause with the following:

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,

1 responsibilities, and functions of the Office of Energy and
2 Recycling under the Department of Commerce and Economic
3 Opportunity that are referenced in this Act are transferred to
4 the Environmental Protection Agency as provided in this Act.
5 All of the general powers reasonably necessary and convenient
6 to implement and administer those functions of the Office of
7 Energy and Recycling transferred by this Act are vested in and
8 shall be exercised by the Environmental Protection Agency.

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

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

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

19 (3) any functions of the Office of Energy and
20 Recycling not transferred to the Environmental Protection
21 Agency by this Act.

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

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

4 (2) the manner in which any official is appointed,
5 except that when any provision of an Executive Order or
6 Act provides for the membership of the Department of
7 Commerce and Economic Opportunity on any council,
8 commission, board, or other entity in relation to any
9 function of the Office of Energy and Recycling transferred
10 to the Environmental Protection Agency under this Act, the
11 Director of the Environmental Protection Agency or his or
12 her designee shall serve in that place; if more than one
13 such person is required by law to serve on any council,
14 commission, board, or other entity, then an equivalent
15 number of representatives of the Environmental Protection
16 Agency shall so serve;

17 (3) whether the nomination or appointment of any
18 official is subject to the advice and consent of the
19 Senate;

20 (4) any eligibility or qualification requirements
21 pertaining to service as an official; or

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

24 Section 25. Personnel transferred. Personnel and positions
25 within the Department of Commerce and Economic Opportunity

1 that are engaged in the performance of functions of the Office
2 of Energy and Recycling transferred to the Environmental
3 Protection Agency under this Act are transferred to and shall
4 continue their service within the Environmental Protection
5 Agency. The status and rights of those employees under the
6 Personnel Code shall not be affected by this Act. The rights of
7 the employees and the State of Illinois and its agencies under
8 the Personnel Code and applicable collective bargaining
9 agreements or under any pension, retirement, or annuity plan
10 shall not be affected by this Act.

11 Section 30. Books and records transferred. All books,
12 records, papers, documents, property (real and personal),
13 contracts, causes of action, and pending business, pertaining
14 to the powers, duties, rights, and responsibilities
15 transferred to the Environmental Protection Agency under this
16 Act, including, but not limited to, material in electronic or
17 magnetic format and necessary computer hardware and software,
18 shall be transferred to the Environmental Protection Agency.

19 Section 35. Successor agency; unexpended moneys
20 transferred. With respect to the functions of the Office of
21 Energy and Recycling transferred under this Act, the
22 Environmental Protection Agency is the successor agency to the
23 Department of Commerce and Economic Opportunity under the
24 Successor Agency Act and Section 9b of the State Finance Act.

1 All unexpended appropriations and balances and other funds
2 available for use by the Office of Energy and Recycling shall,
3 pursuant to the direction of the Governor, be transferred for
4 use by the Environmental Protection Agency in accordance with
5 this Act. Unexpended balances so transferred shall be expended
6 by the Environmental Protection Agency only for the purpose
7 for which the appropriations were originally made.

8 Section 40. Reports, notices, or papers. Whenever reports
9 or notices are required to be made or given or papers or
10 documents furnished or served by any person to or upon the
11 Department of Commerce and Economic Opportunity in connection
12 with any of the powers, duties, rights, or responsibilities
13 transferred by this Act to the Environmental Protection
14 Agency, the same shall instead be made, given, furnished, or
15 served in the same manner to or upon the Environmental
16 Protection Agency.

17 Section 45. Rules.

18 (a) Any rules that (1) relate to the functions of the
19 Office of Energy and Recycling transferred to the
20 Environmental Protection Agency by this Act, (2) are in full
21 force on the effective date of this Act, and (3) have been duly
22 adopted by the Department of Commerce and Economic Opportunity
23 shall become the rules of the Environmental Protection Agency.
24 This Act does not affect the legality of any such rules in the

1 Illinois Administrative Code.

2 (b) Any proposed rule filed with the Secretary of State by
3 the Department of Commerce and Economic Opportunity that
4 pertains to the functions of the Office of Energy and
5 Recycling transferred to the Environmental Protection Agency
6 by this Act, and that is pending in the rulemaking process on
7 the effective date of this Act shall be deemed to have been
8 filed by the Environmental Protection Agency.

9 (c) On and after the effective date of this Act, the
10 Environmental Protection Agency may propose and adopt, under
11 the Illinois Administrative Procedure Act, other rules that
12 relate to the functions of the Office of Energy and Recycling
13 transferred to the Environmental Protection Agency by this
14 Act.

15 Section 50. Rights, obligations, and duties unaffected by
16 transfer. The transfer of powers, duties, rights, and
17 responsibilities to the Environmental Protection Agency under
18 this Act does not affect any person's rights, obligations, or
19 duties, including any civil or criminal penalties applicable
20 thereto, arising out of those transferred powers, duties,
21 rights, and responsibilities.

22 Section 55. Acts and actions unaffected by transfer.

23 (a) This Act does not affect any act done, ratified, or
24 canceled, or any right accruing or established, before the

1 effective date of Executive Order 3 (2017) in connection with
2 any function of the Office of Energy and Recycling transferred
3 under this Act.

4 This Act does not affect any action or proceeding had or
5 commenced before the effective date of Executive Order 3
6 (2017) in an administrative, civil, or criminal cause
7 regarding a function of the Office of Energy and Recycling
8 transferred from the Department of Commerce and Economic
9 Opportunity, but any such action or proceeding may be
10 defended, prosecuted, or continued by the Environmental
11 Protection Agency.

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

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

23 (20 ILCS 627/15)

1 Sec. 15. Electric Vehicle Coordinator. The Governor shall
2 appoint a person within the Environmental Protection Agency
3 ~~Department of Commerce and Economic Opportunity~~ to serve as
4 the Electric Vehicle Coordinator for the State of Illinois.
5 This person may be an existing employee with other duties. The
6 Coordinator shall act as a point person for electric vehicle
7 related policies and activities in Illinois.

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

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

12 (20 ILCS 687/6-3)

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

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

15 (a) The Environmental Protection Agency ~~Department of~~
16 ~~Commerce and Economic Opportunity~~, to be called the "Agency"
17 "~~Department~~" hereinafter in this Law, shall administer the
18 Renewable Energy Resources Program to provide grants, loans,
19 and other incentives to foster investment in and the
20 development and use of renewable energy resources.

21 (b) The Agency may, by administrative rule, ~~Department~~
22 ~~shall~~ establish and adjust eligibility criteria for grants,
23 loans, and other incentives to foster investment in and the
24 development and use of renewable energy resources. ~~These~~

1 ~~criteria shall be reviewed annually and adjusted as necessary.~~

2 The criteria should promote the goal of fostering investment
3 in and the development and use, in Illinois, of renewable
4 energy resources.

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

8 (d) To the extent that funds are available and
9 appropriated, the Agency ~~Department~~ shall provide grants,
10 loans, and other incentives to applicants that meet the
11 criteria specified by the Agency ~~Department~~.

12 (e) (Blank). ~~The Department shall conduct an annual study~~
13 ~~on the use and availability of renewable energy resources in~~
14 ~~Illinois. Each year, the Department shall submit a report on~~
15 ~~the study to the General Assembly. This report shall include~~
16 ~~suggestions for legislation which will encourage the~~
17 ~~development and use of renewable energy resources.~~

18 (f) As used in this Law, "renewable energy resources"
19 includes energy from wind, solar thermal energy, photovoltaic
20 cells and panels, dedicated crops grown for energy production
21 and organic waste biomass, hydropower that does not involve
22 new construction or significant expansion of hydropower dams,
23 and other such alternative sources of environmentally
24 preferable energy. "Renewable energy resources" does not
25 include, however, energy from the incineration or burning of
26 waste wood, tires, garbage, general household, institutional

1 and commercial waste, industrial lunchroom or office waste,
2 landscape waste, or construction or demolition debris.

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

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

10 (20 ILCS 687/6-4)

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

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

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

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

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

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

1 (20 ILCS 687/6-5)

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

3 Sec. 6-5. Renewable Energy Resources and Coal Technology
4 Development Assistance Charge.

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

19 (1) \$0.05 per month on each account for residential
20 electric service as defined in Section 13 of the Energy
21 Assistance Act;

22 (2) \$0.05 per month on each account for residential
23 gas service as defined in Section 13 of the Energy
24 Assistance Act;

25 (3) \$0.50 per month on each account for nonresidential
26 electric service, as defined in Section 13 of the Energy

1 Assistance Act, which had less than 10 megawatts of peak
2 demand during the previous calendar year;

3 (4) \$0.50 per month on each account for nonresidential
4 gas service, as defined in Section 13 of the Energy
5 Assistance Act, which had distributed to it less than
6 4,000,000 therms of gas during the previous calendar year;

7 (5) \$37.50 per month on each account for
8 nonresidential electric service, as defined in Section 13
9 of the Energy Assistance Act, which had 10 megawatts or
10 greater of peak demand during the previous calendar year;
11 and

12 (6) \$37.50 per month on each account for
13 nonresidential gas service, as defined in Section 13 of
14 the Energy Assistance Act, which had 4,000,000 or more
15 therms of gas distributed to it during the previous
16 calendar year.

17 (b) The Renewable Energy Resources and Coal Technology
18 Development Assistance Charge assessed by electric and gas
19 public utilities shall be considered a charge for public
20 utility service.

21 (c) Fifty percent of the moneys collected pursuant to this
22 Section shall be deposited in the Renewable Energy Resources
23 Trust Fund by the Department of Revenue. From those funds,
24 \$2,000,000 may be used annually by the Environmental
25 Protection Agency ~~Department~~ to provide grants to the Illinois
26 Green Economy Network for the purposes of funding education

1 and training for renewable energy and energy efficiency
2 technology and for the operation and services of the Illinois
3 Green Economy Network. The remaining 50 percent of the moneys
4 collected pursuant to this Section shall be deposited in the
5 Coal Technology Development Assistance Fund by the Department
6 of Revenue for the exclusive purposes of (1) capturing or
7 sequestering carbon emissions produced by coal combustion; (2)
8 supporting research on the capture and sequestration of carbon
9 emissions produced by coal combustion; and (3) improving coal
10 miner safety.

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

21 If any payment provided for in this Section exceeds the
22 utility or alternate retail electric supplier's liabilities
23 under this Act, as shown on an original return, the utility or
24 alternative retail electric supplier may credit the excess
25 payment against liability subsequently to be remitted to the
26 Department of Revenue under this Act.

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

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

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

17 (20 ILCS 687/6-5.5)

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

19 Sec. 6-5.5. Renewable energy grants.

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

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

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

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

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

12 (20 ILCS 687/6-6)

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

14 Sec. 6-6. Energy efficiency program.

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

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

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

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

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

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

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

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

8 (20 ILCS 687/6-7)

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

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

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

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

16 (20 ILCS 689/5)

17 Sec. 5. Findings and State policy. The General Assembly
18 recognizes that agriculture is a vital sector of the Illinois
19 economy and that an important growth industry for the Illinois
20 agricultural sector is renewable fuels production. Renewable
21 fuels produced from Illinois agricultural products hold great
22 potential for growing the State's economy, reducing our
23 dependence on foreign oil supplies, and improving the

1 environment by reducing harmful emissions from vehicles.
2 Illinois is the nation's leading producer of ethanol, a clean,
3 renewable fuel with significant environmental benefits. The
4 General Assembly finds that reliable supplies of renewable
5 fuels will be integral to the long term energy security of the
6 United States. The General Assembly declares that it is the
7 public policy of the State of Illinois to promote and
8 encourage the production and use of renewable fuels as a means
9 not only to improve air quality in the State and the nation,
10 but also to grow the agricultural sector of the Illinois
11 economy. To achieve these public policy objectives, the
12 General Assembly hereby authorizes the creation and
13 implementation of the Illinois Renewable Fuels Development
14 Program within the Agency Department.

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

16 (20 ILCS 689/10)

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

18 "Agency" means the Environmental Protection Agency.

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

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

24 "Biomass" means non-fossil organic materials that have an
25 intrinsic chemical energy content. "Biomass" includes, but is

1 not limited to, soybean oil, other vegetable oils, and
2 ethanol.

3 ~~"Department" means the Department of Commerce and Economic~~
4 ~~Opportunity.~~

5 "Diesel fuel" means any product intended for use or
6 offered for sale as a fuel for engines in which the fuel is
7 injected into the combustion chamber and ignited by pressure
8 without electric spark.

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

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

14 "Fuel" means fuel as defined in Section 1.19 of the Motor
15 Fuel Tax Law.

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

19 "Gasoline" means all products commonly or commercially
20 known or sold as gasoline (including casing head and
21 absorption or natural gasoline).

22 "Illinois agricultural product" means any agricultural
23 commodity grown in Illinois that is used by a production
24 facility to produce renewable fuel in Illinois, including, but
25 not limited to, corn, barley, and soy beans.

26 "Labor Organization" means any organization defined as a

1 "labor organization" under Section 2 of the National Labor
2 Relations Act (29 U.S.C. 152).

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

6 "Motor vehicles" means motor vehicles as defined in the
7 Illinois Vehicle Code and watercraft propelled by an internal
8 combustion engine.

9 "Owner" means any individual, sole proprietorship, limited
10 partnership, co-partnership, joint venture, corporation,
11 cooperative, or other legal entity, including its agents, that
12 operates or will operate a plant located within the State of
13 Illinois.

14 "Plant" means a production facility that produces a
15 renewable fuel. "Plant" includes land, any building or other
16 improvement on or to land, and any personal properties deemed
17 necessary or suitable for use, whether or not now in
18 existence, in the processing of fuel from agricultural
19 commodities or by-products.

20 "Renewable fuel" means ethanol, gasohol, majority blended
21 ethanol fuel, biodiesel blend fuel, and biodiesel.

22 (Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03;
23 94-793, eff. 5-19-06.)

24 (20 ILCS 689/15)

25 Sec. 15. Illinois Renewable Fuels Development Program.

1 (a) The Agency may ~~Department must develop and~~ administer
2 the Illinois Renewable Fuels Development Program to assist in
3 the construction, modification, alteration, or retrofitting of
4 renewable fuel plants in Illinois. The recipient of a grant
5 under this Section must:

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

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

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

14 (b) Grant applications must be made on forms provided by
15 and in accordance with procedures established by the Agency
16 ~~Department~~.

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

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

22 (20 ILCS 689/25)

23 Sec. 25. Project labor agreements.

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

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

3 (2) provisions establishing the benefits and other
4 compensation for each class of labor organization
5 employee; and

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

8 The owner of the plant and the labor organizations shall have
9 the authority to include other terms and conditions as they
10 deem necessary.

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

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

20 (20 ILCS 689/30)

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

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

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

3 (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

4 Sec. 1. Definitions; transfer of duties.

5 (a) For the purposes of this Act, unless the context
6 otherwise requires:

7 "Department" means the Department of Commerce and
8 Economic Opportunity.

9 "Director" means the Director of Commerce and Economic
10 Opportunity.

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

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

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

21 Sec. 3. Powers and duties.

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

24 (1) To administer for the State any energy programs

1 and activities under federal law, regulations or
2 guidelines, and to coordinate such programs and activities
3 with other State agencies, units of local government, and
4 educational institutions.

5 (2) To represent the State in energy matters involving
6 the federal government, other states, units of local
7 government, and regional agencies.

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

16 (4) To cooperate with State colleges and universities
17 and their governing boards in energy programs and
18 activities.

19 (5) (Blank).

20 (6) To accept, receive, expend, and administer,
21 including by contracts and grants to other State agencies,
22 any energy-related gifts, grants, cooperative agreement
23 funds, and other funds made available to the Agency
24 ~~Department~~ by the federal government and other public and
25 private sources, as well as any of those funds made
26 available to the Department before the effective date of

1 this amendatory Act of the 102nd General Assembly.

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

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

8 (1) ~~(7)~~ To investigate practical problems, seek and
9 utilize financial assistance, implement studies and
10 conduct research relating to the production, distribution
11 and use of alcohol fuels.

12 (2) ~~(8)~~ To serve as a clearinghouse for information on
13 alcohol production technology; provide assistance,
14 information and data relating to the production and use of
15 alcohol; develop informational packets and brochures, and
16 hold public seminars to encourage the development and
17 utilization of the best available technology.

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

1 (4) ~~(10)~~ To operate, within the Department, an Office
2 of Coal Development and Marketing for the promotion and
3 marketing of Illinois coal both domestically and
4 internationally. The Department may use monies
5 appropriated for this purpose for necessary administrative
6 expenses.

7 The Office of Coal Development and Marketing shall
8 develop and implement an initiative to assist the coal
9 industry in Illinois to increase its share of the
10 international coal market.

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

16 (6) ~~(12)~~ To consult with the Department ~~Departments~~ of
17 ~~Natural Resources and~~ Transportation and the Illinois
18 Environmental Protection Agency for the purpose of
19 developing methods and standards that encourage the
20 utilization of coal combustion by-products as value added
21 products in productive and benign applications.

22 (7) ~~(13)~~ To provide technical assistance and
23 information to sellers and distributors of storage hot
24 water heaters doing business in Illinois, ~~pursuant to~~
25 ~~Section 1 of the Hot Water Heater Efficiency Act.~~

26 (b) (Blank).

1 (c) (Blank).

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

10 (e) (Blank).

11 (f) (Blank).

12 (g) (Blank).

13 (h) (Blank).

14 (i) (Blank).

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

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

18 (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

19 Sec. 4. Technical Assistance Programs.

20 (a) The Environmental Protection Agency may ~~Department of~~
21 ~~Commerce and Economic Opportunity shall~~ provide to a unit of
22 local government, upon request by the unit, technical
23 assistance in the development of energy efficiency standards,
24 including, but not limited to, thermal efficiency standards

1 and lighting efficiency standards ~~to units of local~~
2 ~~government, upon request by such unit.~~

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

7 (c) The Technical Assistance Programs provided in this
8 Section shall be supported by funds provided to the State
9 pursuant to the federal "Energy Policy and Conservation Act of
10 1975" or other federal acts that provide funds for energy
11 conservation efforts through the use of building codes.

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

13 (20 ILCS 1115/5 rep.)

14 Section 930. The Energy Conservation Act is amended by
15 repealing Section 5.

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

18 (20 ILCS 3125/10)

19 Sec. 10. Definitions.

20 "Agency" means the Environmental Protection Agency.

21 "Board" means the Capital Development Board.

22 "Building" includes both residential buildings and
23 commercial buildings.

1 "Code" means the latest published edition of the
2 International Code Council's International Energy Conservation
3 Code as adopted by the Board, including any published
4 supplements adopted by the Board and any amendments and
5 adaptations to the Code that are made by the Board.

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

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

10 "Municipality" means any city, village, or incorporated
11 town.

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

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

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

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

16 (20 ILCS 3125/25)

17 Sec. 25. Technical assistance.

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

23 (b) The materials shall include software tools, simplified
24 prescriptive options, and other materials as appropriate. The
25 simplified materials shall be designed for projects in which a

1 design professional may not be involved.

2 (c) The Agency ~~Department~~ shall provide local
3 jurisdictions with technical assistance concerning
4 implementation and enforcement of the Code.

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

6 (20 ILCS 3125/30)

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

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

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

16 (20 ILCS 3954/20)

17 Sec. 20. Responsibilities of the Council. The Council is
18 responsible for the development and dissemination of programs,
19 plans, and policies to reduce the environmental footprint of
20 State government and for improving the implementation of
21 greening the government initiatives in other institutions,
22 thereby reducing costs to taxpayers and improving efficiency
23 in operations. The Council shall convene on a quarterly basis

1 and shall be responsible for the following:

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

15 The Council shall:

16 (1) communicate the environmental sustainability
17 goals to all State agencies;

18 (2) establish an electronic system to track and
19 report on environmental progress;

20 (3) monitor improvement activities; and

21 (4) propose new goals as appropriate.

22 (b) Coordinating an awards program that recognizes
23 units of State and local government and educational
24 institutions for developing, adopting, and implementing
25 innovative or exemplary environmental sustainability plans
26 in conformance with this Act.

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

12 (d) Developing and implementing, to the extent
13 fiscally feasible, training programs designed to instill
14 the importance and value of environmental sustainability.

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

1 interested parties to contact regarding environmentally
2 preferable purchasing issues.

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

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

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

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

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

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

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

20 (105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)

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

23 (a) Definitions. As used in this Section, the following
24 terms shall have the meanings indicated, unless the context

1 otherwise requires:

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

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

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

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

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

1 harvesting, extraction or woodcutting processes, or forest
2 residues such as bark.

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

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

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

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

24 (b) Wherever economically and practically feasible, as
25 determined by the school board, the school board, all public
26 schools and attendance centers within a school district, and

1 their school supply stores shall procure recycled paper and
2 paper products as follows:

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

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

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

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

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

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

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

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

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

25 (ii) Recycled tissue products, until July 1, 1994,
26 shall contain at least 25% postconsumer material; and

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

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

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

23 (v) Recycled paperboard, until July 1, 1994, shall
24 contain at least 80% postconsumer material; and beginning
25 July 1, 1994, shall contain at least 85% postconsumer
26 material; and beginning July 1, 1996, shall contain at

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

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

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

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

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

16 (i) postconsumer material;

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

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

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

14 (e-5) Each school district shall periodically review its
15 procedures on solid waste reduction regarding the management
16 of solid waste generated by academic, administrative, and
17 other institutional functions. Those waste reduction
18 procedures must be designed to, when economically and
19 practically feasible, recycle the school district's waste
20 stream, including without limitation landscape waste, computer
21 paper, and white office paper. School districts are encouraged
22 to have procedures that provide for the investigation of
23 potential markets for other recyclable materials that are
24 present in the school district's waste stream. The waste
25 reduction procedures must be designed to achieve, before July
26 1, 2020, at least a 50% reduction in the amount of solid waste

1 that is generated by the school district.

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

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

8 (105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

9 Sec. 34-18.15. Recycled paper and paper products and solid
10 waste management.

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

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

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

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

25 "Postconsumer material" means only those products

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

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

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

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

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

24 (a-5) The school district shall periodically review its
25 procurement procedures and specifications related to the
26 purchase of products and supplies. Those procedures and

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

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

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

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

26 (3) Beginning July 1, 2014, at least 50% of the total

1 dollar value of paper and paper products purchased by the
2 board of education, public schools and attendance centers,
3 and their school supply stores shall be recycled paper and
4 paper products.

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

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

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

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

26 (i) Recycled high grade printing and writing paper

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

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

20 (iii) Recycled newsprint, until July 1, 1994, shall
21 contain at least 40% postconsumer material; and beginning
22 July 1, 1994, shall contain at least 50% postconsumer
23 material; and beginning July 1, 1996, shall contain at
24 least 60% postconsumer material; and beginning July 1,
25 1998, shall contain at least 70% postconsumer material;
26 and beginning July 1, 2000, shall contain at least 80%

1 postconsumer material.

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

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

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

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

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

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

3 (i) postconsumer material;

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

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

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

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

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

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

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

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

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

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

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

1 through 2021, the State Comptroller shall direct and State
2 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
3 per fiscal year from the Solid Waste Management Fund to the
4 General Revenue Fund.

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

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

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

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

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

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

6 (c) (Blank).

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

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

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

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

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

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

1 January 1, 2020, the Electronic Products Recycling and Reuse
2 Act.

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

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

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

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

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

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

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

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

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

26 (4) \$4,650 if more than 10,000 cubic yards, but not

1 more than 50,000 cubic yards, of non-hazardous solid waste
2 is permanently disposed of at the site in a calendar year.

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

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

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

21 If the fees are to be used to conduct a local sanitary
22 landfill inspection or enforcement program, the unit of local
23 government must enter into a written delegation agreement with
24 the Agency pursuant to subsection (r) of Section 4. The unit of
25 local government and the Agency shall enter into such a
26 written delegation agreement within 60 days after the

1 establishment of such fees. At least annually, the Agency
2 shall conduct an audit of the expenditures made by units of
3 local government from the funds granted by the Agency to the
4 units of local government for purposes of local sanitary
5 landfill inspection and enforcement programs, to ensure that
6 the funds have been expended for the prescribed purposes under
7 the grant.

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

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

19 (1) The total monies collected pursuant to this
20 subsection.

21 (2) The most current balance of monies collected
22 pursuant to this subsection.

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

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

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

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

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

19 (1) waste which is hazardous waste;

20 (2) waste which is pollution control waste;

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

26 (4) non-hazardous solid waste that is received at a

1 sanitary landfill and composted or recycled through a
2 process permitted by the Agency; or

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

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

9 (415 ILCS 5/22.16b) (from Ch. 111 1/2, par. 1022.16b)

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

20 The owner or operator of any new municipal waste
21 incinerator permitted after January 1, 1990, but before July
22 1, 1990 by the Agency for the development or operation of a new
23 municipal waste incinerator shall be exempt from this fee, but
24 shall include the following conditions:

25 (1) The owner or operator shall provide information

1 programs to those communities serviced by the owner or
2 operator concerning recycling and separation of waste not
3 suitable for incineration.

4 (2) The owner or operator shall provide information
5 programs to those communities serviced by the owner or
6 operator concerning the Agency's household hazardous waste
7 collection program and participation in that program.

8 For the purposes of this Section, "new municipal waste
9 incinerator" means a municipal waste incinerator initially
10 permitted for development or construction on or after January
11 1, 1990.

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

17 (1) by the Agency ~~Department of Commerce and Economic~~
18 ~~Opportunity~~ to fund its public information programs on
19 recycling in those communities served by new municipal
20 waste incinerators; and

21 (2) by the Agency to fund its household hazardous
22 waste collection activities in those communities served by
23 new municipal waste incinerators.

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

1 (1) The incinerator must be designed to provide
2 continuous monitoring while in operation, with direct
3 transmission of the resultant data to the Agency, until
4 the Agency determines the best available control
5 technology for monitoring the data. The Agency shall
6 establish the test methods, procedures and averaging
7 periods, as certified by the USEPA for solid waste
8 incinerator units, and the form and frequency of reports
9 containing results of the monitoring. Compliance and
10 enforcement shall be based on such reports. Copies of the
11 results of such monitoring shall be maintained on file at
12 the facility concerned for one year, and copies shall be
13 made available for inspection and copying by interested
14 members of the public during business hours.

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

17 (3) The operator of the facility shall take reasonable
18 measures to ensure that waste accepted for incineration
19 complies with all legal requirements for incineration. The
20 incinerator operator shall establish contractual
21 requirements or other notification and inspection
22 procedures sufficient to assure compliance with this
23 subsection (b)(3) which may include, but not be limited
24 to, routine inspections of waste, lists of acceptable and
25 unacceptable waste provided to haulers and notification to
26 the Agency when the facility operator rejects and sends

1 loads away. The notification shall contain at least the
2 name of the hauler and the site from where the load was
3 hauled.

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

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

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

26 (d) The Agency shall establish household hazardous waste

1 collection centers in appropriate places in this State. The
2 Agency may operate and maintain the centers itself or may
3 contract with other parties for that purpose. The Agency shall
4 ensure that the wastes collected are properly disposed of. The
5 collection centers may charge fees for their services, not to
6 exceed the costs incurred. Such collection centers shall not
7 (i) be regulated as hazardous waste facilities under RCRA nor
8 (ii) be subject to local siting approval under Section 39.2 if
9 the local governing authority agrees to waive local siting
10 approval procedures.

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

12 (415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)

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

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

22 (1) Treating and handling used or waste tires and
23 other infested materials within the area for control of
24 mosquitoes and other disease vectors.

25 (2) Relocation of ignition sources and any used or

1 waste tires within the area for control and prevention of
2 tire fires.

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

5 (4) Removal of soil and water contamination related to
6 tire accumulations.

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

10 (6) Such other actions as may be authorized by Board
11 regulations.

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

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

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

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

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

25 (iii) that the owner will hold harmless the Agency
26 or any employee or contractor utilized by the Agency

1 to effect the removal, for any damage to property
2 incurred during the course of action under this
3 subsection, except for gross negligence or intentional
4 misconduct; and

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

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

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

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

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

25 For sites with more than 250,000 passenger tire
26 equivalents, following the notice provided for by this

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

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

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

1 ~~coordinate tire cleanup projects with applicable programs that~~
2 ~~relate to such alternative practices.~~

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

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

25 (i) There shall be no liability under subsection (g) of
26 this Section for a person otherwise liable who can establish

1 by a preponderance of the evidence that the hazard created by
2 the tires was caused solely by:

3 (1) an act of God;

4 (2) an act of war; or

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

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

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

26 (B) the defendant is a government entity which

1 acquired the property by escheat or through any other
2 involuntary transfer or acquisition, or through the
3 exercise of eminent domain authority by purchase or
4 condemnation; or

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

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

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

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

25 (m) Neither the State, the Agency, the Board, the
26 Director, nor any State employee shall be liable for any

1 damage or injury arising out of or resulting from any action
2 taken under this Section.

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

4 (415 ILCS 5/55.7) (from Ch. 111 1/2, par. 1055.7)

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

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

21 (2) the feasibility of the proposal;

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

24 (4) the potential of the proposal for encouraging
25 recycling and reuse of resources; and

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

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

4 (415 ILCS 5/58.14a)

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

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

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

1 minimum, the application must include the following:

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

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

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

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

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

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

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

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

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

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

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

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

1 remediation costs and whether the costs estimated for the
2 activities are reasonable.

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

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

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

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

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

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

1 this Section are as follows:

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

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

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

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

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

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

21 (415 ILCS 5/58.15)

22 Sec. 58.15. Brownfields Programs.

23 (A) Brownfields Redevelopment Loan Program.

24 (a) The Agency shall establish and administer a revolving
25 loan program to be known as the "Brownfields Redevelopment

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

7 (b) General requirements for loans:

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

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

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

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

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

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

1 rule; and

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

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

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

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

26 (1) loan application requirements;

1 (2) determination of credit worthiness of the loan
2 applicant;

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

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

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

8 (6) maximum loan amounts;

9 (7) purposes for which loans are available;

10 (8) application periods and content of applications;

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

14 (10) procedures for establishing interest rates;

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

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

19 (13) conditions or circumstances constituting default;

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

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

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

1 (17) requirements applicable to contracting and
2 subcontracting by the loan recipient, including
3 procurement requirements;

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

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

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

14 (B) Brownfields Site Restoration Program.

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

24 (2) For each State fiscal year in which funds are made
25 available to the Agency for payment under this subsection

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

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

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

25 (5) Brownfields Site Restoration Program funds shall
26 be subject to availability of funding and distributed

1 based on the order of receipt of applications satisfying
2 all requirements as set forth in this Section.

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

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

25 (2) Information demonstrating that the site for which
26 the payment is being sought is abandoned or underutilized

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

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

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

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

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

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

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

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

26 (1) Information identifying the Remediation Applicant

1 and the site for which the payment is being sought and the
2 date of acceptance of the site into the Site Remediation
3 Program.

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

10 (3) A demonstration that the release of the regulated
11 substances of concern for which the No Further Remediation
12 Letter was issued was not caused or contributed to in any
13 material respect by the Remediation Applicant. The Agency
14 must make determinations as to reimbursement availability
15 consistent with rules adopted by the Pollution Control
16 Board for the administration and enforcement of Section
17 58.9 of this Act.

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

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

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

1 (7) A demonstration that the costs submitted for
2 review were incurred by the Remediation Applicant who
3 received the No Further Remediation Letter.

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

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

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

25 (3) A demonstration that the release of the regulated
26 substances of concern for which the Remedial Action Plan

1 was approved was not caused or contributed to in any
2 material respect by the Remediation Applicant. The Agency
3 must make determinations as to reimbursement availability
4 consistent with rules adopted by the Pollution Control
5 Board for the administration and enforcement of Section
6 58.9 of this Act.

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

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

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

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

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

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

24 (g) For a Remediation Applicant seeking a payment under
25 subdivision (B)(f), until the Agency issues a No Further
26 Remediation Letter for the site, no more than 75% of the

1 allowed payment may be claimed by the Remediation Applicant.
2 The remaining 25% may be claimed following the issuance by the
3 Agency of a No Further Remediation Letter for the site. For a
4 Remediation Applicant seeking a payment under subdivision
5 (B)(e), until the Agency issues a No Further Remediation
6 Letter for the site, no payment may be claimed by the
7 Remediation Applicant.

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

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

1 required to conduct further review of the costs incurred
2 for development and implementation of the Remedial Action
3 Plan and may approve costs as submitted.

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

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

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

1 resubmitted for Agency review.

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

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

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

15 (6) Within 35 days after receipt of an Agency letter
16 disapproving or modifying a budget plan, the Remediation
17 Applicant may appeal the Agency's decision to the Board in
18 the manner provided for the review of permits in Section
19 40 of this Act.

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

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

26 (2) The fee for the review of the budget plan

1 submitted under subdivision (B)(i) is \$500 for each site
2 reviewed.

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

6 (k) Moneys in the Brownfields Redevelopment Fund may be
7 used for the purposes of this Section, including payment for
8 the costs of administering this subsection (B). Any moneys
9 remaining in the Brownfields Site Restoration Program Fund on
10 the effective date of this amendatory Act of the 92nd General
11 Assembly shall be transferred to the Brownfields Redevelopment
12 Fund. Total payments made to all Remediation Applicants by the
13 Agency for purposes of this subsection (B) must not exceed
14 \$1,000,000 in State fiscal year 2002.

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

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

1 Procedure Act, rules that are consistent with this subsection
2 (B). Prior to the effective date of rules adopted under this
3 subsection (B), the Department of Commerce and Community
4 Affairs (now Department of Commerce and Economic Opportunity)
5 and the Agency may conduct reviews of applications under this
6 subsection (B) and the Agency is further authorized to
7 distribute guidance documents on costs that are eligible or
8 ineligible as remediation costs.

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

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

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

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

23 (b) In implementing the recycling program, consideration
24 for the collection, marketing and disposition of recyclable

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

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

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

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

23 Section 970. The Illinois Solid Waste Management Act is
24 amended by changing Sections 2.1, 3, 3.1, 6, 6a, and 7 as
25 follows:

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

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

5 "Agency" means the Environmental Protection Agency.

6 "Department", when a particular entity is not specified,
7 means (i) in the case of a function to be performed on or after
8 July 1, 1995 (the effective date of the Department of Natural
9 Resources Act) and until the effective date of this amendatory
10 Act of the 102nd General Assembly, the Department of Commerce
11 and Community Affairs (now Department of Commerce and Economic
12 Opportunity), as successor to the former Department of Energy
13 and Natural Resources under the Department of Natural
14 Resources Act; or (ii) in the case of a function required to be
15 performed before July 1, 1995, the former Illinois Department
16 of Energy and Natural Resources.

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

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

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

1 papers, bond papers, ledger paper, book stock and cotton fiber
2 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 production of an end
10 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 recycled paperboard
23 products, folding cartons and pad backing.

24 "Recycling" means the process by which solid waste is
25 collected, separated and processed for reuse as either a raw
26 material or a product which itself is subject to recycling,

1 but does not include the combustion of waste for energy
2 recovery or volume reduction.

3 "Tissue products" includes toilet tissue, paper towels,
4 paper napkins, facial tissue, paper doilies, industrial
5 wipers, paper bags and brown papers.

6 "Unbleached packaging" includes corrugated and fiber
7 boxes.

8 "USEPA Guidelines for federal procurement" means all
9 minimum recycled content standards recommended by the U.S.
10 Environmental Protection Agency.

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

12 (415 ILCS 20/3) (from Ch. 111 1/2, par. 7053)

13 Sec. 3. State agency materials recycling program.

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

18 (a-5) All State agencies responsible for the maintenance
19 of public lands in the State shall review its procurement
20 specifications and policies to determine (1) if incorporating
21 compost materials will help reduce stormwater run-off and
22 increase infiltration of moisture in land maintenance
23 activities and (2) the current recycled content usage and
24 potential for additional recycled content usage by the Agency
25 in land maintenance activities and report to the General

1 Assembly by December 15, 2015.

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

20 The Department of Commerce and Community Affairs (now
21 Department of Commerce and Economic Opportunity) shall conduct
22 waste categorization studies of all State facilities for
23 calendar years 1991, 1995 and 2000. Such studies shall be
24 designed to assist the Department of Central Management
25 Services to achieve the waste reduction goals established in
26 this subsection.

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

15 (d) Wherever economically and practically feasible, the
16 Department of Central Management Services shall procure
17 recycled paper and paper products as follows:

18 (1) Beginning July 1, 1989, at least 10% of the total
19 dollar value of paper and paper products purchased by the
20 Department of Central Management Services shall be
21 recycled paper and paper products.

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

26 (3) Beginning July 1, 1996, at least 40% of the total

1 dollar value of paper and paper products purchased by the
2 Department of Central Management Services shall be
3 recycled paper and paper products.

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

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

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

20 (i) Recycled high grade printing and writing paper
21 shall contain at least 50% recovered paper material.
22 Such recovered paper material, until July 1, 1994,
23 shall consist of at least 20% deinked stock or
24 postconsumer material; and beginning July 1, 1994,
25 shall consist of at least 25% deinked stock or
26 postconsumer material; and beginning July 1, 1996,

1 shall consist of at least 30% deinked stock or
2 postconsumer material; and beginning July 1, 1998,
3 shall consist of at least 40% deinked stock or
4 postconsumer material; and beginning July 1, 2000,
5 shall consist of at least 50% deinked stock or
6 postconsumer material.

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

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

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

1 1996, shall contain at least 45% postconsumer
2 material; and beginning July 1, 1998, shall contain at
3 least 50% postconsumer material; and beginning July 1,
4 2000, shall contain at least 55% postconsumer
5 material.

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

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

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

21 (ii) all paper, paperboard, and fibrous wastes
22 that are diverted or separated from the municipal
23 solid waste stream.

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

26 (i) postconsumer material;

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

11 (iii) finished paper and paperboard from obsolete
12 inventories of paper and paperboard manufacturers,
13 merchants, wholesalers, dealers, printers, converters,
14 or others.

15 (g) The Department of Central Management Services may
16 adopt regulations to carry out the provisions and purposes of
17 this Section.

18 (h) Every State agency shall, in its procurement
19 documents, specify that, whenever economically and practically
20 feasible, a product to be procured must consist, wholly or in
21 part, of recycled materials, or be recyclable or reusable in
22 whole or in part. When applicable, if state guidelines are not
23 already prescribed, State agencies shall follow USEPA
24 guidelines for federal procurement.

25 (i) All State agencies shall cooperate with the Department
26 of Central Management Services in carrying out this Section.

1 The Department of Central Management Services may enter into
2 cooperative purchasing agreements with other governmental
3 units in order to obtain volume discounts, or for other
4 reasons in accordance with the Governmental Joint Purchasing
5 Act, or in accordance with the Intergovernmental Cooperation
6 Act if governmental units of other states or the federal
7 government are involved.

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

16 (k) The Department of Central Management Services, in
17 cooperation with all other appropriate departments and
18 agencies of the State, shall institute whenever economically
19 and practically feasible the use of re-refined motor oil in
20 all State-owned motor vehicles and the use of remanufactured
21 and retread tires whenever such use is practical, beginning no
22 later than July 1, 1992.

23 (l) (Blank).

24 (m) The Department of Central Management Services, in
25 coordination with the Department of Commerce and Community
26 Affairs (now Department of Commerce and Economic Opportunity),

1 has implemented an aluminum can recycling program in all State
2 buildings within 270 days of the effective date of this
3 amendatory Act of 1997. The program provides for (1) the
4 collection and storage of used aluminum cans in bins or other
5 appropriate containers made reasonably available to occupants
6 and visitors of State buildings and (2) the sale of used
7 aluminum cans to buyers of recyclable materials.

8 Proceeds from the sale of used aluminum cans shall be
9 deposited into I-CYCLE accounts maintained in the Facilities
10 Management Revolving Fund and, subject to appropriation, shall
11 be used by the Department of Central Management Services and
12 any other State agency to offset the costs of implementing the
13 aluminum can recycling program under this Section.

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

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

24 (415 ILCS 20/3.1) (from Ch. 111 1/2, par. 7053.1)

25 Sec. 3.1. Institutions of higher learning.

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

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

19 (c) Each waste reduction plan shall address, at a minimum,
20 the following topics: existing waste generation by volume,
21 waste composition, existing waste reduction and recycling
22 activities, waste collection and disposal costs, future waste
23 management methods, and specific goals to reduce the amount of
24 waste generated that is subject to landfill disposal.

25 (d) Each waste reduction plan shall provide for recycling
26 of marketable materials currently present in the institution's

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

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

21 (f) Each waste reduction plan developed in accordance with
22 this Section shall be submitted to the Agency ~~Department of~~
23 ~~Commerce and Economic Opportunity~~ for review and approval. The
24 Agency's ~~Department's~~ review shall be conducted in cooperation
25 with the Board of Higher Education and the Illinois Community
26 College Board.

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

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

10 (415 ILCS 20/6) (from Ch. 111 1/2, par. 7056)

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

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

25 (b) (Blank).

1 (c) To provide loans or recycling and composting grants to
2 businesses and not-for-profit and governmental organizations
3 for the purposes of increasing the quantity of materials
4 recycled or composted in Illinois; developing and implementing
5 innovative recycling methods and technologies; developing and
6 expanding markets for recyclable materials; and increasing the
7 self-sufficiency of the recycling industry in Illinois. The
8 Agency ~~Department~~ shall work with and coordinate its
9 activities with existing for-profit and not-for-profit
10 collection and recycling systems to encourage orderly growth
11 in the supply of and markets for recycled materials and to
12 assist existing collection and recycling efforts.

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

16 (d) To establish guidelines and funding criteria for the
17 solicitation of projects under this Act, and to receive and
18 evaluate applications for loans or grants for solid waste
19 management projects based upon such guidelines and criteria.
20 Funds may be loaned with or without interest.

21 (e) To support and coordinate solid waste research in
22 Illinois, and to approve the annual solid waste research
23 agenda prepared by the University of Illinois.

24 (f) To provide loans or grants for research, development
25 and demonstration of innovative technologies and practices,
26 including but not limited to pilot programs for collection and

1 disposal of household wastes.

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

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

7 The Agency Department is authorized to accept any and all
8 grants, repayments of interest and principal on loans,
9 matching funds, reimbursements, appropriations, income derived
10 from investments, or other things of value from the federal or
11 state governments or from any institution, person,
12 partnership, joint venture, corporation, public or private.

13 The Agency Department is authorized to use moneys
14 available for that purpose, subject to appropriation,
15 expressly for the purpose of implementing a loan program
16 according to procedures established pursuant to this Act.
17 Those moneys shall be used by the Agency Department for the
18 purpose of financing additional projects and for the Agency's
19 ~~Department's~~ administrative expenses related thereto.

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

21 (415 ILCS 20/6a) (from Ch. 111 1/2, par. 7056a)

22 Sec. 6a. The Agency Department of Commerce and Economic
23 Opportunity shall:

24 (1) Work with nationally based consumer groups and
25 trade associations to support the development of

1 nationally recognized logos which may be used to indicate
2 whether a container and any other consumer products which
3 are claimed to be recyclable by a product manufacturer are
4 recyclable, compostable, or biodegradable.

5 (2) Work with nationally based consumer groups and
6 trade associations to develop nationally recognized
7 criteria for determining under what conditions the logos
8 may be used.

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

13 (4) Develop and prepare educational materials
14 describing the benefits and methods of recycling for
15 distribution to elementary schools in Illinois.

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

17 (415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

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

21 The Department shall prepare and submit to the Governor
22 and the General Assembly on or before January 1, 1992, a report
23 evaluating the effectiveness of the programs provided under
24 this Act and Section 22.14 of the Environmental Protection
25 Act; assessing the need for a continuation of existing

1 programs, development and implementation of new programs and
2 appropriate funding mechanisms; and recommending legislative
3 and administrative action to fully implement a comprehensive
4 solid waste management program in Illinois.

5 The Department shall investigate the suitability and
6 advisability of providing tax incentives for Illinois
7 businesses to use recycled products and purchase or lease
8 recycling equipment and shall report to the Governor and the
9 General Assembly by January 1, 1987 on the results of this
10 investigation.

11 By July 1, 1989, the Department shall submit to the
12 Governor and members of the General Assembly a waste reduction
13 report:

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

23 (b) that includes specific recommendations to
24 stimulate and enhance waste reduction in the industrial
25 and consumer sector, including, but not limited to,
26 legislation, financial incentives and disincentives, and

1 public education.

2 The Agency ~~Department of Commerce and Economic~~
3 ~~Opportunity~~, with the cooperation of the State Board of
4 Education, ~~the Illinois Environmental Protection Agency~~, and
5 others as needed, shall develop, coordinate and conduct an
6 education program for solid waste management and recycling.
7 The program shall include, but not be limited to, education
8 for the general public, businesses, government, educators and
9 students.

10 The education program shall address, at a minimum, the
11 following topics: the solid waste management alternatives of
12 recycling, composting, and source reduction; resource
13 allocation and depletion; solid waste planning; reuse of
14 materials; pollution prevention; and household hazardous
15 waste.

16 The Agency ~~Department of Commerce and Economic Opportunity~~
17 shall cooperate with municipal and county governments,
18 regional school superintendents, educational ~~educational~~
19 service centers, local school districts, and planning agencies
20 and committees to coordinate local and regional education
21 programs and workshops and to expedite the exchange of
22 technical information.

23 By March 1, 1989, the Department shall prepare a report on
24 strategies for distributing and marketing landscape waste
25 compost from centralized composting sites operated by units of
26 local government. The report shall, at a minimum, evaluate the

1 effects of product quality, assured supply, cost and public
2 education on the availability of compost, free delivery, and
3 public sales composting program. The evaluation of public
4 sales programs shall focus on direct retail sale of bagged
5 compost at the site or special distribution centers and bulk
6 sale of finished compost to wholesalers for resale.

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

8 Section 975. The Recycled Newsprint Use Act is amended by
9 adding Section 2002.03 and by changing Sections 2004, 2005,
10 2007, 2008, 2010, 2011, 2012, and 2013 as follows:

11 (415 ILCS 110/2002.03 new)

12 Sec. 2002.03. Agency. "Agency" means the Environmental
13 Protection Agency.

14 (415 ILCS 110/2004) (from Ch. 96 1/2, par. 9754)

15 Sec. 2004. Consumer usage certification. Each consumer of
16 newsprint within the State shall, on or before March 1 of each
17 year, certify to the Agency ~~Department~~ the amount in tons of
18 every type of newsprint used by the consumer of newsprint the
19 previous year and the percentage of recycled fibers present in
20 each type of newsprint, so that the Agency ~~Department~~ can
21 calculate the recycled fiber usage for that consumer of
22 newsprint. All Illinois consumers of newsprint shall submit
23 the first consumer usage certificate by March 1, 1992, for the

1 calendar year 1991. Only consumers of newsprint who provide
2 timely usage certificates shall receive credit for recycled
3 fiber usage.

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

5 (415 ILCS 110/2005) (from Ch. 96 1/2, par. 9755)

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

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

11 (415 ILCS 110/2007) (from Ch. 96 1/2, par. 9757)

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

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

21 (415 ILCS 110/2008) (from Ch. 96 1/2, par. 9758)

22 Sec. 2008. Comparable quality standards.

23 (a) For the purposes of implementing and enforcing this

1 Act, the Agency Department shall set comparable quality
2 standards for each of the grades of newsprint available from
3 all suppliers of newsprint to determine the comparable quality
4 of recycled content newsprint to virgin material. The
5 standards shall be based on the average numerical standards of
6 printing opacity, brightness level, and cross machine tear
7 strength.

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

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

14 (415 ILCS 110/2010) (from Ch. 96 1/2, par. 9760)

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

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

23 (415 ILCS 110/2011) (from Ch. 96 1/2, par. 9761)

24 Sec. 2011. Consumer use certificate. Any consumer of

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

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

8 (415 ILCS 110/2012) (from Ch. 96 1/2, par. 9762)

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

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

15 (415 ILCS 110/2013) (from Ch. 96 1/2, par. 9763)

16 Sec. 2013. Mandatory recycling.

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

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

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

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

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

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

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

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

7 (415 ILCS 120/15)

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

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

18 (415 ILCS 120/31)

19 Sec. 31. Alternate Fuel Infrastructure Program. Subject to
20 appropriation, the Agency ~~may~~ ~~Department of Commerce and~~
21 ~~Community Affairs~~ ~~(now Department of Commerce and Economic~~
22 ~~Opportunity)~~ shall establish a grant program to provide
23 funding for the building of E85 blend, propane, at least 20%

1 biodiesel blended fuel, and compressed natural gas (CNG)
2 fueling facilities, including private on-site fueling
3 facilities, to be built within the covered area or in Illinois
4 metropolitan areas over 100,000 in population. The Agency
5 ~~Department of Commerce and Economic Opportunity~~ shall be
6 responsible for reviewing the proposals and awarding the
7 grants.

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

9 (415 ILCS 120/32)

10 Sec. 32. Clean Fuel Education Program. Subject to
11 appropriation, the Agency ~~Department of Commerce and Economic~~
12 ~~Opportunity~~, in cooperation with the ~~Agency and~~ Chicago Area
13 Clean Cities, may ~~shall~~ administer the Clean Fuel Education
14 Program, the purpose of which is to educate fleet
15 administrators and Illinois' citizens about the benefits of
16 using alternate fuels. The program shall include a media
17 campaign.

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

19 Section 995. The Prevailing Wage Act is amended by
20 changing Section 2 as follows:

21 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

22 Sec. 2. This Act applies to the wages of laborers,
23 mechanics and other workers employed in any public works, as

1 hereinafter defined, by any public body and to anyone under
2 contracts for public works. This includes any maintenance,
3 repair, assembly, or disassembly work performed on equipment
4 whether owned, leased, or rented.

5 As used in this Act, unless the context indicates
6 otherwise:

7 "Public works" means all fixed works constructed or
8 demolished by any public body, or paid for wholly or in part
9 out of public funds. "Public works" as defined herein includes
10 all projects financed in whole or in part with bonds, grants,
11 loans, or other funds made available by or through the State or
12 any of its political subdivisions, including but not limited
13 to: bonds issued under the Industrial Project Revenue Bond Act
14 (Article 11, Division 74 of the Illinois Municipal Code), the
15 Industrial Building Revenue Bond Act, the Illinois Finance
16 Authority Act, the Illinois Sports Facilities Authority Act,
17 or the Build Illinois Bond Act; loans or other funds made
18 available pursuant to the Build Illinois Act; loans or other
19 funds made available pursuant to the Riverfront Development
20 Fund under Section 10-15 of the River Edge Redevelopment Zone
21 Act; or funds from the Fund for Illinois' Future under Section
22 6z-47 of the State Finance Act, funds for school construction
23 under Section 5 of the General Obligation Bond Act, funds
24 authorized under Section 3 of the School Construction Bond
25 Act, funds for school infrastructure under Section 6z-45 of
26 the State Finance Act, and funds for transportation purposes

1 under Section 4 of the General Obligation Bond Act. "Public
2 works" also includes (i) all projects financed in whole or in
3 part with funds from the Environmental Protection Agency
4 ~~Department of Commerce and Economic Opportunity~~ under the
5 Illinois Renewable Fuels Development Program Act for which
6 there is no project labor agreement; (ii) all work performed
7 pursuant to a public private agreement under the Public
8 Private Agreements for the Illiana Expressway Act or the
9 Public-Private Agreements for the South Suburban Airport Act;
10 and (iii) all projects undertaken under a public-private
11 agreement under the Public-Private Partnerships for
12 Transportation Act. "Public works" also includes all projects
13 at leased facility property used for airport purposes under
14 Section 35 of the Local Government Facility Lease Act. "Public
15 works" also includes the construction of a new wind power
16 facility by a business designated as a High Impact Business
17 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone
18 Act. "Public works" does not include work done directly by any
19 public utility company, whether or not done under public
20 supervision or direction, or paid for wholly or in part out of
21 public funds. "Public works" also includes any corrective
22 action performed pursuant to Title XVI of the Environmental
23 Protection Act for which payment from the Underground Storage
24 Tank Fund is requested. "Public works" does not include
25 projects undertaken by the owner at an owner-occupied
26 single-family residence or at an owner-occupied unit of a

1 multi-family residence. "Public works" does not include work
2 performed for soil and water conservation purposes on
3 agricultural lands, whether or not done under public
4 supervision or paid for wholly or in part out of public funds,
5 done directly by an owner or person who has legal control of
6 those lands.

7 "Construction" means all work on public works involving
8 laborers, workers or mechanics. This includes any maintenance,
9 repair, assembly, or disassembly work performed on equipment
10 whether owned, leased, or rented.

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

24 "Public body" means the State or any officer, board or
25 commission of the State or any political subdivision or
26 department thereof, or any institution supported in whole or

1 in part by public funds, and includes every county, city,
2 town, village, township, school district, irrigation, utility,
3 reclamation improvement or other district and every other
4 political subdivision, district or municipality of the state
5 whether such political subdivision, municipality or district
6 operates under a special charter or not.

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

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

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

20 Section 9995. No acceleration or delay. Where this Act
21 makes changes in a statute that is represented in this Act by
22 text that is not yet or no longer in effect (for example, a
23 Section represented by multiple versions), the use of that
24 text does not accelerate or delay the taking effect of (i) the
25 changes made by this Act or (ii) provisions derived from any

1 other Public Act.

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

4 Section 9999. Effective date. This Act takes effect upon
5 becoming law.".