

1 AN ACT concerning safety.

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

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 22.51b as follows:

6 (415 ILCS 5/22.51b)

7 Sec. 22.51b. Fees for permitted facilities accepting clean
8 construction or demolition debris or uncontaminated soil.

9 (a) The Agency shall assess and collect a fee from the
10 owner or operator of each clean construction or demolition
11 debris fill operation that is permitted or required to be
12 permitted by the Agency. The fee assessed and collected under
13 this subsection shall be 28 ~~20~~ cents per cubic yard of clean
14 construction or demolition debris or uncontaminated soil
15 accepted by the clean construction or demolition debris fill
16 operation, or, alternatively, the owner or operator may weigh
17 the quantity of the clean construction or demolition debris or
18 uncontaminated soil with a device for which certification has
19 been obtained under the Weights and Measures Act and pay a fee
20 of 20 ~~14~~ cents per ton of clean construction or demolition
21 debris or uncontaminated soil. The fee shall apply to
22 construction or demolition debris or uncontaminated soil if
23 (i) the clean construction or demolition debris fill operation

1 is located off the site where the clean construction or
2 demolition debris or uncontaminated soil was generated and
3 (ii) the clean construction or demolition debris fill
4 operation is owned, controlled, and operated by a person other
5 than the generator of the clean construction or demolition
6 debris or uncontaminated soil.

7 (b) The Agency shall establish rules relating to the
8 collection of the fees authorized by subsection (a) of this
9 Section. These rules shall include, but are not limited to,
10 the following:

11 (1) Records identifying the quantities of clean
12 construction or demolition debris and uncontaminated soil
13 received.

14 (2) The form and submission of reports to accompany
15 the payment of fees to the Agency.

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

19 (c) Fees collected under this Section shall be in addition
20 to any other fees collected under any other Section.

21 (d) The Agency shall not refund any fee paid to it under
22 this Section.

23 (e) The Agency shall deposit all fees collected under this
24 subsection into the Environmental Protection Permit and
25 Inspection Fund. Pursuant to appropriation, all moneys
26 collected under this Section shall be used by the Agency for

1 the implementation of this Section and for permit and
2 inspection activities.

3 (f) A unit of local government, as defined in the Local
4 Solid Waste Disposal Act, in which a clean construction or
5 demolition debris fill operation is located and which has
6 entered into a delegation agreement with the Agency pursuant
7 to subsection (r) of Section 4 of this Act for inspection,
8 investigation, or enforcement functions related to clean
9 construction or demolition debris fill operations may
10 establish a fee, tax, or surcharge with regard to clean
11 construction or demolition debris or uncontaminated soil
12 accepted by clean construction or demolition debris fill
13 operations. All fees, taxes, and surcharges collected under
14 this subsection shall be used for inspection, investigation,
15 and enforcement functions performed by the unit of local
16 government pursuant to the delegation agreement with the
17 Agency and for environmental safety purposes. Fees, taxes, and
18 surcharges established under this subsection (f) shall not
19 exceed a total of 20 ~~10~~ cents per cubic yard of clean
20 construction or demolition debris or uncontaminated soil
21 accepted by the clean construction or demolition debris fill
22 operation, unless the owner or operator weighs the quantity of
23 the clean construction or demolition debris or uncontaminated
24 soil with a device for which certification has been obtained
25 under the Weights and Measures Act, in which case the fee shall
26 not exceed 14 ~~7~~ cents per ton of clean construction or

1 demolition debris or uncontaminated soil.

2 (g) For the purposes of this Section:

3 (1) The term "uncontaminated soil" shall have the same
4 meaning as uncontaminated soil under Section 3.160 of this
5 Act.

6 (2) The term "clean construction or demolition debris
7 fill operation" shall have the same meaning as clean
8 construction or demolition debris fill operation under
9 Section 22.51 of this Act.

10 (Source: P.A. 96-1416, eff. 7-30-10.)