

SPRING 2011 LEGISLATIVE SESSION SUMMARY

This document provides a summary of environmental bills introduced during the Spring 2011 legislative session of the 97th General Assembly. There may have been other environmental bills introduced during this session that are not included in this document because they were not of importance to the drafter. Also, any bill referenced below as effectively dead could re-emerge as a new bill in an upcoming legislative session.

BILLS THAT BECAME LAW

P.A. 97-43/SB 1379. *Signed into law on June 28, 2011; effective June 28, 2011.* Amends the Public Water Supply Regulation Act. Requires the Illinois Department of Public Health (IDPH) to incorporate the recommendations on optimal fluoridation for community water levels as proposed and adopted by the U.S. Department of Health and Human Services (HHS) into its rules concerning the addition of fluoride to public water supplies.

P.A. 97-89/HB 2902. *Signed into law on July 11, 2011; effective July 11, 2011.* Creates the Electric Vehicle Adoption Act. Authorizes the Governor to appoint an electric vehicle coordinator from the Department of Commerce and Economic Opportunity (DCEO) who would act as the point person for electric vehicle related policies and activities in the State. Also creates the Electric Vehicle Advisory Council to recommend strategies to promote the use of electric vehicles, including infrastructure improvement, regulatory streamlining, and changes to electric utility rates. Members of the Council would include the directors or designees of the Illinois EPA, DCEO, and the Department of Transportation (IDOT), as well as the Executive Director of the Illinois Commerce Commission (ICC). Requires the Council to report its findings to the Governor and the General Assembly by December 31, 2011. Provides that DCEO would staff the Council. Introduced for I-GO. Identical to SB 2138 (Garrett/Williams).

P.A. 97-90/HB 2903. *Signed into law on July 11, 2011; effective July 11, 2011.* Amends the Alternate Fuels Act. Authorizes the Illinois EPA to provide a grant from the Agency's Alternate Fuels Rebate Program through FY2013 (potentially partially in FY2011 as well as in FY2012 and FY2013) to any car-sharing program in Illinois. *As drafted, this bill would not only allow the I-GO non-profit car-sharing program in the Chicago area to request a grant, but also the Zip-Car (for-profit) car-sharing program currently in business in Champaign and in Chicago, as well as any other car-sharing program in the State.* Also caps the amount of the grant at 25% (previously 100%) of the total project costs for the purchase of electric vehicles and recharging infrastructure, not to exceed the amount available in the Alternate Fuels Fund. The Agency would have the discretion of providing such grants for car-sharing programs that submit a grant proposal by June 30, the end of the State's fiscal year. After June 30, the Agency would be required to review the amount of funds in the Alternate Fuels Fund and would have the discretion to provide up-front grants to one or more car-sharing programs not to exceed the amount remaining in the fund.

In addition, the Illinois EPA would be required to consider the "overall level of environmental benefits to be realized by the proposed project" in considering one or more submitted project proposals. *The I-GO program in Chicago utilizes solar panels to provide solar energy used to*

recharge its plug-in vehicles, whereas Zip-Car and most other car-sharing operations rely on electricity from the grid.

Any grant provided by the Illinois EPA under this bill would be an “up-front grant” and not a reimbursable expense. The current rebate program provides alternate fuel vehicle rebates after the eligible vehicle purchases are made, and does not include refueling infrastructure. If a grant is provided, the grant amount is discretionary and is based on the project proposal for vehicle and recharging infrastructure from the applicant. Within one year after the grant is provided, the car-sharing organization would be required to submit a project report detailing all expenses for the vehicles and recharging infrastructure. Any unspent funds would have to be returned to the Illinois EPA. If any electric vehicle does not stay in service for the grantee for at least 5 years after purchase (except if the vehicle is replaced by a comparable vehicle or cannot be operated due to an accident or other damage), the grantee would be required to reimburse the Agency a pro-rated amount. Introduced for I-GO. Identical to SB 1615 (Stears).

P.A. 97-95/HB 1297. *Signed into law on July 12, 2011; effective July 12, 2011 (January 1, 2012 for the air permit fee increases only).* Amends the Environmental Protection Act (EPAct). Provides for Illinois EPA permit streamlining by requiring the Agency to develop online permit applications, and by authorizing general permitting, permitting by rule, and a process for the expedited review of permits.

Clarifies that greenhouse gases (GHGs) are regulated air pollutants and raises the major source thresholds under the Clean Air Act Permit Program (CAAPP or Title V) for GHGs to be consistent with the thresholds established in the recently adopted federal GHG Tailoring Rule. Establishes a permit exemption for sources of GHG emissions that are not subject to the federal Prevention of Significant Deterioration (PSD) and Title V permitting programs. Provides that if the federal Tailoring Rule or ability to regulate GHGs is preempted due to federal legislation, judicial or presidential action then the GHG provisions of the Illinois legislation are likewise preempted.

Beginning January 1, 2012, increases the Illinois EPA’s existing air pollutant permit fees whereby the Illinois EPA stands to receive an industry estimated \$3.2 million annually. In addition to the increased permit fees, beginning July 1, 2011. Specifically, the operating permit fee increases from \$18/ton to \$21.50/ton for Title V permits, and increases the maximum cap from \$250,000/year to \$294,000/year. Increases from \$200/year to \$235/year the minimum Federally Enforceable State Operating Permit (FESOP) fee (less than 25 tons/year); increases from \$1,800/year to \$2,150/year the FESOP fee for emissions between 25 tons/year to 100 tons/year; and increases the maximum FESOP fee (over 100 tons/year) from \$3,500/year to \$4,112/year. Increases from \$200 to \$235 the minimum lifetime air pollutant fee (less than 25 tons/year); increases from \$1,800 to \$2,150 the lifetime permit fee for emissions between 25 tons/year to 100 tons/year; and increases the maximum lifetime permit fee (over 100 tons/year) from \$3,500 to \$4,112. These would be NO INCREASE to air permit construction fees.

Also amends the Retailers’ Occupation Tax Act and the Use Tax Act. Beginning July 1, 2011, provides that 80% of the revenue generated by the 6.25% sales tax paid on the selling price of

certain air pollution control equipment known as sorbents used in the process of sorbent injection as used to comply with the federal Clean Air Act or Illinois EPA Act shall be deposited into the Clean Air Act Permit Program (CAAPP) Fund each year, but limits such transfers to \$2 million per year. Together, the increased air permit fees plus the sales tax diversion dollars will generate approximately \$5.2 million per year in additional revenue for the Illinois EPA to implement the numerous permit streamlining procedures, implement and administer the GHG regulatory program, and sustain the Agency's ongoing, federally-mandated programs for all other regulated air pollutants in light of declining existing air permit fee revenues, increasing costs, a large backlog of work, and increasing obligations.

Authorizes the Agency to establish a Registration of Smaller Sources (ROSS) program for smaller sources of air pollution. The ROSS program would replace the more onerous permitting process for a large number of small emissions sources.

P.A. 97-96/SB 1533. *Signed into law on July 13, 2011; effective July 13, 2011.* This bill is intended to facilitate the development of the proposed Leucadia clean coal gasification plant on the southwest side of Chicago. Amends the Illinois Power Agency Act. Requires the Illinois EPA to take certain actions with respect to CO₂ sequestration sites and CO₂ pipelines. Requires the Illinois EPA to annually inspect sequestration sites for "safety and feasibility." Also requires the Illinois EPA to issue seal orders and request the institution of civil actions for injunctions if sequestration site conditions warrant such actions, and to post notice of such actions on its website. Requires the Illinois Commerce Commission (ICC) to notify the Illinois EPA if the ICC determines that a CO₂ pipeline creates conditions that warrant the issuance of a seal order by the Illinois EPA. Requires the Illinois EPA to request the institution of a civil action for an injunction if the ICC determines that a CO₂ pipeline creates conditions that warrant such action.

Also amends the Environmental Protection Act (EPA Act), specifically to address CO₂ sequestration sites. Requires the Illinois EPA to inspect sequestration sites for compliance with the EPA Act, Pollution Control Board rules, and permits issued by the Illinois EPA. Requires the Illinois EPA to post on its website notices of seal orders and injunctions related to sequestration sites. Requires sequestration sites to pay the Illinois EPA's costs of permitting and inspecting the sites.

P.A. 97-106/HB 1093. *Signed into law on July 14, 2011; effective February 1, 2012.* Amends the Vehicle Emissions Inspection (VEI) Law of 2005 (within the Illinois Vehicle Code). Eliminates the requirement for steady-state idle exhaust gas analysis (idle exhaust) and evaporative system integrity testing (gas cap) in Illinois. *These test types are primarily used for pre-2007 model year heavy-duty vehicles not equipped with on-board diagnostic (OBD) technology.*

Also adds a fallback visual inspection test for certain vehicles that are equipped with OBD technology, but for which OBD testing is not possible due to the vehicle's design. Changes the definition of "malfunction indicator lamp" to include the abbreviation, "MIL." Changes the definition of "OBD system." In addition to 1996 and newer light-duty vehicles and trucks, certain heavy-duty vehicles are required to be equipped with OBD technology.

Adds exemptions from the vehicle inspection requirement for 2006 and older vehicles with a gross vehicle weight rating (GVWR) between 8501 and 14,000 pounds and vehicles with a GVWR greater than 14,000 pounds. These heavy-duty vehicles are not all required to be equipped with OBD technology; and, therefore, can only be tested with the idle exhaust and gas cap tests.

Clarifies that persons whose vehicles are registered in Illinois testing areas (such as the Chicago metropolitan or Bi-State Metro East areas), but primarily operate their vehicles outside of the Illinois testing areas and in areas that do not require emissions testing are entitled to an annual exemption from the emissions testing requirement. *This was the original intent of this exemption. However, the current wording of this exemption results in an unintended loophole that would provide the annual exemption for a vehicle that is primarily operated outside the Illinois testing areas but does operate within an area that requires emission testing. If the vehicle is registered in an Illinois testing area and is primarily operated outside of the Illinois testing areas, but in an area that requires emissions testing, it still must be tested. Therefore, this change would clarify the original intent and close the unintended loophole. This change accomplishes this clarification by using the term "and" instead of "or."*

P.A. 97-137/HB 3371. *Signed into law on July 14, 2011; effective July 14, 2011.* Amends the Environmental Protection Act (EPAAct). Makes two changes to last year's comprehensive clean construction and demolition debris (CCDD) law (P.A. 96-1416/SB 3721). First, the bill makes a change to the current provision that states that when the Illinois Pollution Control Board (IPCB) adopts rules setting the levels of contaminants that can be present in "uncontaminated soil" going into fill sites, the only background level that the Board may consider allowing for carcinogens is specifically benzo(a)pyrene. All other carcinogens must meet a lifetime risk factor of 1 in 1,000,000. Because of this, the Illinois EPA's draft rules utilize all non-carcinogenic TACO (Tiered Approach Corrective [Action] Objectives) background numbers, but only the benzo(a)pyrene TACO background number for carcinogens. This bill removes the benzo(a)pyrene restriction and allows the Board to consider allowing all TACO background levels for all carcinogens. Also allows the Board to consider allowing carcinogens to be present at their most stringent TACO remediation objectives in cases where the most stringent remediation objective is higher than the 1 in 1,000,000 lifetime risk factor for reasons other than background levels (e.g., a remediation objective is set at a detection limit that is higher than the 1 in 1,000,000 lifetime risk factor due to current technical limitations in soil analysis).

Also changes the interim soil certification requirements to allow licensed Professional Geologists to provide certifications, as well as Licensed Professional Engineers.

P.A. 97-203/SB 2168. *Signed into law on July 28, 2011; effective July 28, 2011.* Amends the Illinois Income Tax Act. Adds Peoria to the list of cities covered by the River Edge Redevelopment Zone program. Creates a credit in an amount equal to 25% of qualified expenditures incurred by a qualified taxpayer during the taxable year in the restoration and preservation of a qualified historic structure located in a River Edge Redevelopment Zone pursuant to a qualified rehabilitation plan. Provides that the historic preservation credit for properties located in the River Edge Redevelopment Zone applies through taxable years ending prior to January 1, 2017. Defines "qualified taxpayer," "qualified historic structure," and

"qualified rehabilitation plan." Provides that the credit may be carried forward until the tenth taxable year after the qualified rehabilitation plan was placed in service.

P.A. 97-213/HB 1657. *Signed into law July 28, 2011; effective July 28, 2011.* Amends the Illinois Lake Management Program Act. Adds an Illinois congressional delegation member, or his or her designee, to be appointed by the Governor to the Task Force on the Conservation and Quality of the Great Lakes. No later than June 1 of each year, requires the Task Force to submit a report to the General Assembly outlining its recommendations concerning legislative actions to protect the water quality and supply of the Great Lakes.

P.A. 97-220/SB 100. *Signed into law on July 28; effective July 28, 2011.* This bill makes several "cleanup" changes to address recent audit findings and eliminate or revise outdated Illinois EPA requirements.

1. Amends the Environmental Protection Act (EPAAct). Creates a new offense of *Criminal Damage to a Public Water Supply*, making it a Class 4 felony for any person to knowingly alter, damage, or otherwise tamper with the equipment or property of a public water supply, or to knowingly introduce a contaminant into the distribution system of a public water supply, so as to cause, threaten, or allow the distribution of water from any public water supply of such quality or quantity as to be injurious to human health. Also creates a new offense of *Aggravated Criminal Damage to a Public Water Supply*, making it a Class 2 felony for a person to knowingly commit criminal damage to a public water supply while knowing that he or she thereby places another person in danger of serious illness or great bodily harm or creates an immediate or long term danger to the public health or the environment.

The offenses that would be added by this legislative proposal do not currently exist in the EPAAct. Section 18(a)(1) prohibits anyone from knowingly causing, threatening or allowing the distribution of water from any public water supply of such quality or quantity as to be injurious to human health. However, no matter how serious or potentially serious the harm might be as a result of such conduct, it is merely a civil violation or, at most, a Class A misdemeanor. In this post-9-11 era, it is hard to conceive that the most serious offense that can be committed against a public water supply is only a misdemeanor.

2. Amends the Environmental Protection Act (EPAAct). Prohibits persons from using property in violation of property use restrictions established under the Uniform Environmental Covenants Act (UECA).

Section 22.50 of the EPAAct prohibits persons from using property in violation of property use restrictions established under the EPAAct as a part of site cleanups, e.g., institutional controls created under TACO (Tiered-Approach-Corrective-[Action]-Objectives). In 2008, the Uniform Environmental Covenants Act was enacted to provide an additional method of creating property use restrictions used in site cleanups. However, the Uniform Environmental Covenants Act was incorporated into the Illinois Compiled Statutes as an independent Act rather than as an addition to the EPAAct. As a result, the current

provision prohibiting violations of property use restrictions created for site cleanups does not apply to restrictions created under UECA. As a result, the Illinois EPA is limited to enforcing violations of UECA property use restrictions via only civil actions for injunctive relief or other equitable relief. There are no civil penalty provisions to help deter against violations of UECA property use restrictions as there are for other property use restrictions. The proposed change is needed so that all property use restrictions created for site cleanups, whether created under the EPAct or UECA, can be enforced in the same manner.

3. Amends the Environmental Protection Act (EPAct). Requires persons conducting a landscape waste composting operation without a permit involving the application of landscape waste at a rate greater than 20 tons per acre, to obtain approval from the Illinois Pollution Control Board, rather than from the Illinois EPA.

Currently, persons conducting a landscape waste composting operation without a permit can apply up to 20 tons of landscape waste per acre. They can exceed this rate if they obtain site-specific approval from the Illinois EPA. To obtain approval they must demonstrate that the site's soil characteristics or crop needs require a higher rate. The Illinois EPA's approval in this instance, however, is not a permit. Therefore, the Illinois EPA cannot include any enforceable conditions in its approval. As a result, the applicant may use the Illinois EPA's approval to place landscape or other waste at the site in a manner that creates an environmental or public health hazard. The Illinois EPA believes it is more appropriate for application rates greater than 20 tons per acre to be evaluated and approved by the Illinois Pollution Control Board rather than solely by the Illinois EPA. The Illinois Pollution Control Board has the authority to place enforceable conditions in its final orders to protect human health and the environment.

4. Amends the Environmental Protection Act (EPAct). Revises the procedure by which the Community Water Supply Testing Council must meet annually with the Illinois EPA to negotiate the fees the Agency would charge communities to have their water supplies tested. Provides that the Council need only meet upon the call of the Director of the Illinois EPA as opposed to having to meet annually. *Several years ago, the State ceased providing the Illinois EPA with any funding to conduct such testing. As a result, the Agency has had to simply charge communities the Agency's costs for conducting such tests, while the majority of communities (60%) have chosen to have private laboratories conduct their testing instead. Also as a result, there has been no need for the Council to meet since there has been and still is nothing left to negotiate; the fees are simply what the Agency's costs are to conduct the testing. For this reason, the Council has not met in over two years.*
5. Amends the Environmental Protection Act (EPAct). Provides for the withdrawal of Illinois from the Uniform State Hazardous Materials Transportation Registration and Permit Program. Provides for the permitting of hazardous waste haulers under the Illinois EPA's special waste hauler permitting system instead of the Uniform Program.

The Uniform State Hazardous Materials Transportation Registration and Permit Program is a federal program that was developed to address interstate shipments of hazardous waste. Currently, only Illinois, Michigan, Oklahoma, Ohio, Nevada, and West Virginia participate in the program. Minnesota withdrew from the program on August 1, 2010.

In Illinois, the Uniform Program is administered by the Illinois EPA and applies to all haulers transporting hazardous waste within, into, or through Illinois. Under the Uniform Program, the Illinois EPA collects an annual \$250 processing and audit fee from haulers utilizing Illinois as their base state. In addition, a \$20 fee is collected for each vehicle a hauler uses. The vehicle fee is apportioned on a reciprocal basis with other states according to the number of miles traveled in each state. This apportionment drastically reduces the fees collected for Illinois while increasing administrative costs.

Initial projections in 1998 were that the Agency would generate more than \$330,000 each year from the Uniform Program. Actual revenue from the program has fallen well below those predictions. Only \$57,395 was collected in FY 2010. A total of \$25,405 of that was distributed to other participating states, while Illinois received only \$11,480 in return. The net funds generated for Illinois totaled only \$43,470. The funds generated from the Uniform Program do not warrant the increased resources needed to permit haulers under the Uniform Program. Haulers can be permitted more cost-effectively under the Illinois EPA's special waste hauler permitting system.

6. Amends the Environmental Protection Act (EPAAct). Deletes the requirement that state agencies and institutions annually conduct environmental assessments and submit certain information to the Illinois EPA. Also deletes the requirement that state agencies and institutions submit plans, specifications, and cost estimates for proposed installations or facilities that may cause environmental violations.

Under the EPAAct, state agencies and institutions are required to: 1) annually assess environmental problems created by their operations, and the extent to which their operations violate the EPAAct and regulations adopted under the EPAAct; 2) annually submit to the Illinois EPA their assessment findings, the progress made in eliminating violations, and future steps to be taken to assure compliance; and 3) annually submit to the Illinois EPA complete plans, specifications, and cost estimates of proposed installations and facilities that may cause a violation of the EPAAct or regulations adopted under the EPAAct. Not only does this requirement serve no purpose, but a recent audit found that state agencies and institutions have never submitted the above information to the Illinois EPA as required. The Illinois EPA recommends that these requirements be removed from the EPAAct.

7. Also amends the EPAAct to repeal the requirement that the Illinois EPA annually publish a Toxic Release Inventory (TRI) report disclosing the types and quantities of toxic chemicals discharged in the State the previous year. *This identical information is compiled by the USEPA and is currently accessible through the USEPA's website as well*

as through a link on the Illinois EPA's website. This provision would simply eliminate a duplicative paperwork requirement that no longer serves any purpose.

8. Amends the Industrial Hygienists Licensure Act. Provides that the Industrial Hygiene Examining Board need only meet upon the call of the Director of the Illinois EPA. *A recent audit of the Illinois EPA found that this Examining Board (whose sole duties are to recommend policies and procedures to the Director of the Illinois EPA) had not met in at least 8 years for the simple reason that the Board had nothing whatsoever to recommend. In fact, the Agency polled the 77 licensed industrial hygienists in the State just a year ago to ask them if they felt the Examining Board or even the Industrial Hygienists Licensure Act itself was necessary anymore. The majority polled felt that while the Act probably served little if any purpose, they'd prefer to remain credentialized under the Licensure Act in Illinois in order to enhance their qualifications in other states. Still, the auditors recommended the Agency clarify just when the Examining Board should meet, which is what this provision would do.*

P.A. 97-230/SB 1929. *Signed into law on July 28, 2011; effective July 28, 2011.* Amends the Environmental Protection Act (EPA). Defines “general construction or demolition debris that is processed for use at a landfill” as general construction or demolition debris (general C&D) that is used at a landfill as alternative daily cover, road building material, or drainage structure building material in accordance with the landfill’s permit. Allows general C&D recycling facilities to count up to 35% of the total amount of general C&D that is processed for use at a landfill to be counted as recyclable general C&D for purposes of meeting the 75% recycling requirement.

Allows the 75% recycling requirement to be calculated on a rolling 12-month average basis. Requires general C&D that is processed for use at a landfill to be sorted within 48 hours after receipt by a general C&D recycling facility, and to be transported to a landfill within 6 months after receipt (it must go to a landfill within 45 days if it is putrescible). *Non-putrescible materials are those that do not decay such as bricks, broken concrete, glass, etc. Paper, wood, drywall are examples of C&D that are putrescible.* Provides that general C&D that is processed for use at a landfill cannot be considered recycled for purposes of meeting the 75% recycling requirement if it is sent for disposal after 6 months. The bill excludes “general construction or demolition debris that is processed for use at a landfill” from both the definition of “non-recyclable general construction or demolition debris” and the definition of “recyclable general construction or demolition debris.”

P.A. 97-239/SB 2169. *Signed into law on August 2, 2011; effective August 2, 2011.* Amends the Public Utilities Act and the Illinois Power Agency Act. This bill is intended to apply to the proposed Power Holdings synthetic natural gas (SNG) power facility in Mt. Vernon in Jefferson County. Changes the definition of “clean coal SNG facility” to specifically include such a facility that has a valid and effective permit to construct emission sources and air pollution control equipment and approval with respect to the federal regulations for Prevention of Significant Deterioration of Air Quality (PSD) for the plant pursuant to the federal Clean Air Act. Power Holdings has a valid and effective PSD permit until February 2012. The bill would

retain the requirement that the Power Holdings facility capture and sequester at least 90% of the CO2 emissions it would produce.

Provides that the State of Illinois retains and reserves all other rights to enact new or amendatory legislation or take any other action, including, but not limited to, such legislation or other action that would: 1) directly or indirectly raise the costs that the clean coal synthetic natural gas (SNG) facility must incur; 2) directly or indirectly place additional restrictions, regulations, or requirements on the clean coal SNG facility; 3) prohibit the sequestration of CO2 in general or prohibit a specific sequestration method or project; or 4) increase minimum carbon sequestration requirements. This appears to be a “safety catch all” clause that allows state agencies (including the Illinois EPA) to carry out their duties and responsibilities as usual in regards to permitting, any necessary rulemaking, and enforcement.

Requires the Illinois EPA to take certain actions with respect to carbon dioxide (CO2) sequestration sites. Requires the Illinois EPA to annually inspect sequestration sites. Also requires the Illinois EPA to issue seal orders and request the institution of civil actions for injunctions if sequestration site conditions warrant such actions, and to post notice of such actions on its website. Requires the Illinois Commerce Commission (ICC) to annually inspect CO2 pipelines, and to notify the Illinois EPA if the ICC determines that a CO2 pipeline creates conditions that warrant the issuance of a seal order by the Illinois EPA. Requires the ICC to request the institution of a civil action for an injunction if the ICC determines that a CO2 pipeline creates conditions that warrant such action.

Also amends the Environmental Protection Act (EPAct). Requires the Illinois EPA to inspect sequestration sites for compliance with the EPAct, Pollution Control Board rules, and permits issued by the Illinois EPA. Also requires the Illinois EPA to post on its website notices of seal orders and injunctions related to sequestration sites, and requires sequestration sites to pay the Illinois EPA’s costs of permitting and inspecting the sites.

P.A. 97-286/HB 2001. *Signed into law on August 10, 2011; effective August 10, 2011.* Amends the Environmental Protection Act (EPAct). Provides that it is a Class 4 felony for any person to knowingly openly dump more than 250 cubic feet of waste or more than 50 waste tires. *Currently, a first violation is a Class A misdemeanor regardless of the quantity of waste or number of tires dumped.* Also increases from \$5,000 to \$25,000 the felony penalty for open dumping to make it consistent with the felony penalty for the knowing unpermitted storage, treatment, or disposal of more than 250 cubic feet of waste.

P.A. 97-298/HB 1563. *Signed into law on August 11, 2011; effective August 11, 2011.* Amends the Metropolitan Water Reclamation District (MWRD) Act. Provides that, after a hearing, the MWRD’s Board of Commissioners may order the party responsible for the discharge of sewage, industrial wastes, or other wastes into the district's sewerage system to pay a civil penalty in an amount that is not less than \$1,000 (now, \$100) nor more than \$2,000 per day for each day of discharge in violation of the MWRD Act. Identical to SB 1781 (Sandoval).

P.A. 97-287/SB 2106. *Signed into law on August 10, 2011; effective August 10, 2011.* Amends the Electronic Products Recycling and Reuse Act (E-Waste Act). Significantly increases the

covered scope of products covered under the E-Waste Act to include keyboards, mice, digital music players, video game consoles, small-scale servers, cable and satellite boxes, and VCRs. Eliminates the “return share” calculation for determining recycling goals for computer, monitor, and printer manufacturers and replaces it by requiring all manufacturers to recycle, by weight, a percentage of their total retail sales (40% for 2012). Requires the Illinois EPA to issue grants to county recycling coordinators for the purpose of informing residents about the E-Waste Act. Authorizes the Agency to issue administrative citations (ACs) for violations of the E-Waste Act.

Changes the definition of underserved counties. Adds additional criteria for manufacturers of electronic products to adjust their total weight of electronic products recycled. Changes the dates by which manufacturer and collector reports are due. Reduces the registration fees for certain manufacturers. Introduced for the Environmental Law and Policy Center (ELPC). Similar to HB 3424 (Biss).

P.A. 97-314/HB 1326. *Signed into law on August 12, 2011; effective January 1, 2012.* Amends the Environmental Protection Act (EPA). Allows general construction or demolition debris (C&D) recycling facilities to multiply by 2 the amount of asphalt roofing shingles that they send for recycling in accordance with a beneficial use determination. (C&D recycling facilities subject to Section 22.38 are currently required to divert from landfills at least 75% of the general C&D they receive.) Also amends the Illinois Highway Code. Requires the use of asphalt shingles in the Department of Transportation’s (IDOT) mix designs if the shingles are received from facilities authorized to recycle asphalt roofing shingles by the Illinois EPA, and are in compliance with Illinois EPA operational guidelines and asbestos testing requirements. Introduced for the Land Recycling and Reclamation Association (LRRRA). Identical to SB 1543 (Koehler/Beiser).

P.A. 97-332/HB 2777. *Signed into law on August 12, 2011; effective August 12, 2011.* Amends the Drycleaner Environmental Response Trust Fund Act. Authorizes the payment of license fees by credit card or business check. Decreases the civil penalties that must be paid for failing to timely submit the required license fees.

P.A. 97-363/HB 308. *Signed into law on August 15, 2011; effective August 15, 2011.* Amends the Water Well and Pump Installation Contractor's License Act. Creates the Closed Loop Well Contractors Certification Board. Provides that the Closed Loop Well Contractors Certification Board shall advise and aid the Director of the Department of Public Health (IDPH) in: 1) preparing subject matter for continuing education sessions; 2) adopting rules; 3) holding examinations; 4) holding hearings; 5) submitting recommendations to the Director; 6) grading all tests and examinations; 7) performing other duties; and 8) conferring with the Water Well and Pump Installation Contractors Licensing Board. Makes other corresponding changes.

Amends the Illinois Water Well Construction Code. Provides that IDPH shall, by rule, require a one-time fee for permits for the construction, modification, or abandonment of closed loop well. Provides that all closed loop contractors shall be certified by IDPH. Prohibits all closed loop contractors who are certified from engaging in the occupation of closed loop well contractor unless he or she is registered with the Department. Makes other corresponding changes.

P.A. 97-377/HB 1953. *Signed into law on August 15, 2011; effective January 1, 2012.* Amends the Drycleaner Environmental Response Trust Fund Act. Removes a provision prohibiting a claimant who has requested reimbursement from the remedial action account from receiving the requested reimbursement if he or she has filed for bankruptcy on or after the discovery of a release of drycleaning solvents. Beginning January 1, 2012, requires each active drycleaning facility that has previously received or is currently receiving reimbursement for the costs of a remedial action to maintain continuous financial assurance for environmental liability coverage in the amount of at least \$500,000 until the earlier of either January 1, 2020 or the date the Drycleaner Environmental Response Trust Fund Council determines that the drycleaning facility is an inactive drycleaning facility. Revokes, and prevents the renewal of, the licenses of facilities that do not maintain the required financial assurance. Authorizes payment of license fees by credit card. Introduced for the Illinois Fabricare Association.

P.A. 97-391/SB 2193. *Signed into law on August 16, 2011; effective August 16, 2011.* Creates the Environmental Justice (EJ) Act. Creates a Commission on Environmental Justice. Charges the Commission with the following duties:

- 1) advising state entities on EJ issues;
- 2) reviewing the impact of state law and policies on EJ and sustainable community issues;
- 3) assessing the adequacy of state and local laws to address EJ and sustainability issues;
- 4) developing criteria to assess whether communities may have EJ issues; and
- 5) recommending options to the Governor for addressing issues, concerns, or problems related to EJ including prioritizing areas of the State that need immediate attention.

Requires the Commission to submit an annual report to the Governor and General Assembly every year beginning on or before October 1, 2011. Requires the Illinois EPA to provide administrative and other support to the Commission. Introduced for the Illinois Environmental Council (IEC) on behalf of Protestants for the Common Good.

P.A. 97-417/SB 41. *Signed into law on August 16, 2011; effective January 1, 2012.* Amends the Township Code. Authorizes townships to, by ordinance, provide for the collection, transport, and disposal of brush and leaves within the unincorporated areas of the township (now, referendum approval is required). Further authorizes townships to, by ordinance, to use permanent road funds, general road and bridge funds, or town funds for such purposes. Also amends the Illinois Highway Code. Authorizes the highway commissioner of each road district to provide for the collection, transport, and disposal of brush and leaves that have been properly placed for collection along the road district rights-of-way.

P.A. 97-428/SB 2145. *Signed into law on August 16, 2011; effective August 16, 2011.* Amends the Petroleum Equipment Contractors Licensing Act. Deletes the requirement that each investigator shall have a minimum of 2 years of investigative experience out of the preceding 5 years prior to being employed by the Office of the State Fire Marshal (OSFM) to enforce the Act. Deletes provisions requiring the OSFM to adopt rules regarding training required for personnel engaged in Underground Storage Tank (UST) activity regulated under the Act. Makes changes in provisions concerning applications and issuance and renewal of licenses. Also

amends the Regulatory Sunset Act. Extends by 10 years (from January 1, 2012 until January 1, 2022) the repeal date for the Petroleum Equipment Contractors Licensing Act.

P.A. 97-459/SB 1213. *Signed into law on August 19, 2011; effective July 1, 2011.* Amends the Environmental Protection Act (EPAct). Expands the definition of a mercury switch to include mercury connectors made for making, breaking, or changing the connection in an electrical circuit. Manufacturers could apply for an exemption from the sales prohibition. Also narrows the applicability of the ban on the sale and distribution of mercury switches and relays to only those items sold or distributed for use in Illinois. Amends the Mercury Switch Removal Act to require removal of mercury switches from end-of-life vehicles within 30 days of the vehicle arriving at a scrap metal processor, vehicle recycler, vehicle crusher, or other processor of end-of-life vehicles.

Amends the Mercury Added Product Prohibition Act. Narrows the applicability of the ban on the sale and distribution of mercury-measuring devices to only those items sold for use in Illinois. Also adds pressure sensors and pressure transducers to the list of mercury-measuring devices banned for sale or distribution in the state. Again, manufacturers could apply for an exemption from the sale prohibition.

P.A. 97-488/HB 1359. *Signed into law on August 22, 2011; effective January 1, 2012.* Amends the Fire Protection District Act (FPD Act). Authorizes the fire chief or any other designated officer of the fire department of a fire protection district, with the authorization of the board of trustees of the fire protection district, to prohibit open burning within the district on an emergency basis, if: 1) the atmospheric conditions or other circumstances create an unreasonable risk of fire because of wind, weather, or the types of combustibles; and 2) the resources of the fire department are not sufficient to control and suppress a fire resulting from one or more of those conditions or circumstances. The FPD Act currently allows fire departments to extinguish any open burn that presents a clear and unreasonable danger to persons or property. Clarifies that the open burning of waste under the bill is subject to the restrictions and prohibitions of the Illinois Environmental Protection Act (EPAct) and the regulations adopted there under.

P.A. 97-491/HB 1458. *Signed into law on August 22, 2011; effective August 22, 2011.* Amends the Illinois Power Agency Act. Changes the definition of "renewable energy resources" to include biogas and biosolids produced by local government wastewater treatment plants in the State.

P.A. 97-510/HB 3620. *Signed into law on August 23, 2011; effective August 23, 2011.* Amends the Environmental Protection Act (EPAct). Requires the design and construction of structural fill utilizing coal combustion waste by-product to meet the standards described in ASTM (American Society of Testing and Materials) E2277 – 03 or Department of Transportation (IDOT) specifications.

P.A. 97-519/SB 1357. *Signed into law on August 23, 2011; effective August 23, 2011.* Amends the Environmental Protection Act (EPAct). Authorizes the Illinois EPA and any violator of the EPAct, Pollution Control Board rules, or permit conditions, to voluntarily enter into a Compliance Commitment Agreement (CCA), the terms of which would then be enforceable if

the violator fails to comply with the CCA. Clarifies that an alleged violator must submit proposed terms for a CCA in response to an alleged violation ONLY if the alleged violator desires to enter into a CCA. Requires the Attorney General, when determining whether to file a complaint based on violations that were the subject of a CCA, to take into account successful completion of a CCA (or an amended CCA) and weigh the successful completion in favor of the person completing the CCA. Adds successful completion of a CCA to the factors the Pollution Control Board may consider when determining civil enforcement penalties. Clarifies that the Illinois EPA can refer violations of CCAs for enforcement. Provides a civil penalty of \$2,000 for violations of CCAs.

P.A. 97-534/SB 1821. *Signed into law on August 23, 2011; effective August 23, 2011.* Creates the Carbon Dioxide (CO₂) Transport by Pipeline Act. Authorizes the Illinois Commerce Commission (ICC), after a hearing, to grant an application for a certificate of authority authorizing the construction and operation of a CO₂ pipeline if it makes certain written findings. Provides that the ICC's failure to act within 11 months after the date that the application is filed shall NOT be deemed a denial of the application. Provides that a final order of the Commission granting a certificate of authority pursuant to this Act shall be conditioned upon the applicant obtaining all required permits or approvals from the Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation (USDOT), the U.S. Army Corps of Engineers, and the Illinois Department of Agriculture, in addition to all other permits and approvals necessary for the construction and operation of the pipeline prior to the start of any construction. Also prohibits the ICC from issuing any certificates or permits allowing the construction of a CO₂ pipeline until it has adopted federal safety regulations governing the construction, maintenance, and operations of CO₂ pipelines, related facilities, and equipment to ensure the safety of pipeline employees and the public.

P.A. 97-545/HB 2056. *Signed into law on August 24, 2011; effective January 1, 2012.* Amends the State Finance Act to create the Household Pharmaceutical Disposal Fund as a special fund in the State treasury. Also amends the Environmental Protection Act (EPA Act) to exclude from the definition of "pollution control facility" the portion of a site or facility used to incinerate only pharmaceuticals from residential sources that are in the possession or control of a law enforcement agency. Authorizes any law enforcement agency to collect pharmaceuticals from residential sources, and to incinerate the collected pharmaceuticals in a manner that is consistent with rules adopted by the Illinois EPA. Authorizes the Illinois Criminal Justice Information Authority (CJIA) to use moneys in the Household Pharmaceutical Disposal Fund to make grants to local law enforcement agencies for the purpose of facilitating the collection and incineration of pharmaceuticals from residential sources. Requires a \$20 assessment to be levied against persons who commit specified drug offenses.

P.A. 97-546/HB 3090. *Signed into law on August 24, 2011; effective January 1, 2012.* Amends the Safe Pharmaceutical Disposal Act. Authorizes any city, village, or municipality to allow the use of its city hall or police department to display a container suitable for use as a receptacle for used, expired, or unwanted pharmaceuticals. Provides that the used, expired, or unwanted pharmaceuticals may include unused medication and prescription drugs. Provides that the receptacle may only permit the deposit of items, and requires the contents to be locked and secured. Requires the container to be accessible to the public and to be posted with clearly

legible signage indicating that expired or unwanted prescription drugs may be disposed of in the receptacle.

P.A. 97-551/HB 806. *Signed into law on August 25, 2011; effective August 25, 2011.* Amends the Environmental Protection Act (EPAAct). Requires any person applying sludge to agricultural farmland to first provide written notice to: 1) the owners of the land; 2) the owner of the adjacent land; and 3) the township and county officials whose jurisdiction encompasses the land upon which sludge is applied. Also prohibits any stockpiling of sludge at the same site for a period of 30 days between application, and prohibits land application of sludge in trenches that are deeper than the rooting crop unless the sludge is applied at rates that do not exceed the agronomic rate. Prohibits land application of sludge closer than 100 feet to an occupied dwelling. Requires the analysis for parameters be made available to any requesting party, for up to 5 years after the land application of sludge. Provides that the requirements of this bill are in addition to any permit requirements imposed by the Illinois EPA. Provides that the bill does not limit the application of sludge on land owned by a unit of local government or used for recreational purposes. Exempts lime-sludge and lime alum sludge from the restrictions contained in the bill.

P.A. 97-573/HB 3414. *Signed into law on August 25, 2011; effective August 25, 2011.* Amends the Illinois Main Street Act and the Green Governments Illinois Act. Specific to the Green Governments Illinois Act, transfers chairmanship of the Green Government Coordinating Council from the Lieutenant Governor to the Governor.

P.A. 97-579/HB 1716. *Signed into law on August 28, 2011; effective August 28, 2011.* Amends the Freedom of Information Act (FOIAAct). Defines "recurrent requester" as a person that, in the 12 months immediately preceding the request, has submitted to the same public body: 1) a minimum of 50 requests for records; 2) a minimum of 15 requests for records within a 30-day period; or 3) a minimum of 7 requests for records within a 7-day period. Establishes procedures that public bodies are to use in responding to requests from recurrent requesters. Authorizes a public body to charge a fee for each hour spent by personnel in searching for and retrieving a requested record. Specifies that a person whose records request is made for a commercial purpose may not file a request for review with the Public Access Counselor, except for the limited purpose of determining whether the public body accurately characterized the request as a commercial request.

P.A. 97-582/HB 2972. *Signed into law on August 28, 2011; effective August 28, 2011.* Amends the Illinois Governmental Ethics Act. Prohibits holdover appointees, temporary appointees, and acting appointees to offices requiring Senate confirmation from continuing in office longer than 60 days or other stated limited periods. Exempts from these provisions appointments to the State Board of Elections. In provisions concerning temporary appointees, provides that a meeting of the Senate does not include a perfunctory session day as designated by the Senate under its rules. In provisions concerning acting appointees, provides that: 1) except at the Senate's request, prohibits any person who has been designated by the Governor to serve as an acting appointee to any office to which appointment requires the advice and consent of the Senate, from being designated again as an acting appointee for that office at the same session of that Senate; and 2) prohibits the Governor from designating a person to serve as an acting appointee to any office to

which appointment requires the advice and consent of the Senate if that person's nomination to serve as the appointee for the same office was rejected by the Senate of the same General Assembly during the term of a General Assembly. Also makes technical changes. Amends the Civil Administrative Code of Illinois to make conforming changes. Similar to SB 1 (Cullerton/Madigan).

P.A. 97-612/SB 1943. *Signed into law on August 26, 2011; effective January 1, 2012, 2011.* Amends the Lead Poisoning Prevention Act. Makes changes concerning the required contents of the warning statements. Provides that the warning statement is not required if the component parts of the item containing lead are inaccessible to a child through normal and reasonably foreseeable use and abuse or if the component parts in question are exempt from third-party testing. Makes changes to the definition of "child care article" and "toy containing paint." Adds the phrase "complies with federal standards" to the required contents of the warning statements.

VETOED BILLS

Amendatory Vetoes

In order for an amendatory vetoed-bill to become law, both houses must take the identical action on the bill, either to override the veto with a three-fifths majority (71 votes in the House and 36 votes in the Senate) or to accept the Governor's amendatory veto with a simple majority (60 votes in the House and 30 votes in the Senate). If either house fails to take the identical action, the entire bill dies.

SB 2062 (Harmon/Bradley). *Amendatorily vetoed on August 26, 2011.* Creates the Clean Coal FutureGen for Illinois Act of 2011. Provides that if the FutureGen Alliance selects as its location for CO₂ storage a designated site or sites in the State of Illinois suitable for injection of captured CO₂ into the Mount Simon Formation (rather than at the Tuscola or Mattoon site), then the operator shall retain the rights, title, and interest in and to, and any liabilities associated with the pre-injection CO₂. Provides that the operator shall retain all rights, title, and interest in the sequestered CO₂ during the operational phase of the FutureGen Project. Following the operational phase of the FutureGen Project, requires the operator to transfer and convey and requires the State of Illinois to accept and receive, with no payment due from the State, all rights, title, and interest in and to, and any liabilities associated with the sequestered CO₂.

Requires the operator, rather than the Department of Commerce and Economic Opportunity (DECO), to procure a certain insurance policy that insures the operator against any qualified loss stemming from a public liability action and with coverage limits of at least \$15 million. Requires the operator to establish and fund a newly-created CO₂ Storage Trust Fund to complement commercially-available insurance products, and to support the operator's ability to satisfy financial assurance obligations that may be required by law or the terms of the operator's permit issued by the Illinois EPA. Requires the State to indemnify the operator and hold the operator harmless against any qualified loss stemming from a public liability action to the extent that the qualified loss is not covered under the insurance policy required under the Clean Coal FutureGen for Illinois Act, and to the extent that the CO₂ Storage Trust Fund lacks adequate

funds to cover the loss. Extends the repeal date from March 1, 2011 to March 1, 2015. Makes other changes. Effective immediately.

The Governor amendatorily vetoed this bill to delete the provision giving the Executive Ethics Commission jurisdiction over the Illinois Power Agency and its staff, and requiring the Commission to oversee the complex processes of electricity procurement. The Governor contends that doing so would only exhaust the Commission's resources while at the same time place the 9 individuals on the Commission at the head of the Power Agency without the appropriate experience necessary to carry out the job.

Total Vetoes

In order for a total vetoed-bill to become law, both houses must vote to override the veto with a three-fifths majority (71 votes in the House and 36 votes in the Senate). If either house fails to override the Governor's veto, the veto stands and the bill is dead.

SB 2288 (Hutchinson/Nekritz). *Vetoed on August 26, 2011.* Amends the Environmental Protection Act (EPA). Changes the definition of "municipal waste incineration" in Section 9.4(f) of the EPA and by adding similar conforming language to Section 22.16b(a) of the EPA. Excludes from the definition of "municipal waste incineration" non-hazardous materials that are excluded from "solid waste" pursuant to a demonstration that such materials are legitimate fuels under recently promulgated federal rules at 40 CFR Part 241. Once the demonstration is made, combustion units burning such materials would not be classified as municipal waste incinerators under state law or federal law (assuming no combustion of other waste materials is being done at the facility). The conforming changes at Section 22.16b would remove these same combustion units from the fees and other requirements for municipal waste incinerators under Section 22.16b once the Part 241 demonstration is made and accepted. Effective immediately.

The Governor vetoed this bill at the request of the Senate sponsor, Sen. Hutchinson, in part because the bill relies on a controversial federal regulation to place certain criteria on fuel produced from municipal waste. The Governor contends that by doing so, the bill forces Illinois to rely on federal restrictions that have been the subject of several legal challenges to place safeguards on new waste conversion technologies. At the same time the Governor has asked both the opponents and proponents of the bill to work in good faith to develop a fair resolution to the bill that will create jobs in the State while protecting the environment.

ACTIVE BILLS

HB 3308 (Hatcher/Lauzen). *Passed the House; third reading in the Senate.* Amends the Department of Revenue Law of the Civil Administrative Code of Illinois. Requires the Illinois Department of Revenue (IDOR), in consultation with the Illinois EPA, the Department of Transportation (IDOT), the Secretary of State's Office, and any other applicable state agency, to provide a listing of alternative fuel dispensing locations in the State to IDOT and to update the listing biannually. Also amends the Illinois Highway Code. Requires IDOT to determine the

content of all of its maps and to provide additional information on its official website that is made available to it regarding dispensing locations that provide E85 blended fuel or biodiesel fuel. Also requires IDOT to update its website at least biannually so long as it receives timely updates from the Department of Revenue on alternative fueling dispensing locations in the State. Effective immediately.

HB 3623 (Feigenholtz). *Assigned to the House Appropriations-General Services Committee.* Appropriates \$22,256,768 from the Illinois Clean Water Fund to the Illinois EPA for clean water activities and programs. Effective July 1, 2011. Introduced for the Sierra Club. Identical to SB 1980 (Garrett).

SB 102 (Link). *Third reading in the Senate.* Creates the Plastic Bag and Film Recycling Act. Requires manufacturers of plastic carryout bags to register with the Illinois EPA, pay an annual registration fee, and to develop a plan for the recycling of plastic bags and plastic film product wrap. Prohibits retailers from using bags unless the manufacturer has registered with the Agency. Requires the Illinois EPA to post certain information on its website. Effective Immediately.

SB 1781 (Sandoval) *Third Reading in the Senate.* Amends the Metropolitan Water Reclamation District (MWRD) Act. Provides that, after a hearing, the MWRD's Board of Commissioners may order the party responsible for the discharge of sewage, industrial wastes, or other wastes into the district's sewerage system to pay a civil penalty in an amount that is not less than \$1,000 (now, \$100) nor more than \$2,000 per day for each day of discharge in violation of the MWRD Act. Effective immediately. Identical to HB 1563 (Colvin/Sandoval).

SB 1903 (Clayborne). *Second reading in the Senate.* Amends the Environmental Protection Act (EPAct). Within 2 years of the immediate effective date of the bill, requires the Illinois EPA to make all of its permit applications on-line in files that are both editable and savable. Effective immediately. Introduced for the Illinois Chamber of Commerce (ICOC). Identical to HB 1297 (Reitz).

SB 1980 (Garrett). *Assigned to the Senate Appropriations II Committee.* Appropriates \$22,256,768 from the Illinois Clean Water Fund to the Illinois EPA for clean water activities and programs. Effective July 1, 2011. Introduced for the Sierra Club. Identical to HB 3423 (Feigenholtz).

BILLS THAT ARE EFFECTIVELY DEAD

HB 157 (Osmond). *Re-referred to the House Rules Committee.* Amends the Public Utilities Act. Deletes the current prohibition (enacted in 1987) on the construction of any new nuclear power plants in Illinois. Specifically, the bill deletes a paragraph in the Public Utilities Act that states that no new nuclear power plants may be constructed in Illinois nor can the Illinois Commerce Commission (ICC) authorize any to be constructed until the Director of the Illinois EPA finds that the United States Government has identified and approved a demonstrable technology or means for the disposal of high level nuclear waste, or until the Illinois General Assembly passes legislation to explicitly authorize the construction of such a plant. Effective immediately.

HB 250 (Holbrook). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPAAct). Excludes state program regulations derived from federal authority from the causation-based, proportionate share liability (PSL) standard of liability to effectively return such programs to the strict, joint and several standard of liability. This bill would ensure that any site subject to federally approved rules would not be released from liability under the Site Remediation Program No Further Remediation Letter (NFR) unless the site is authorized to participate in the Agency's Site Remediation Program (SRP). Effective immediately.

HB 680 (Holbrook). *House Amendment #1 (which becomes the bill) held in the House Rules Committee; bill re-referred to the House Rules Committee.* Creates the Carbon Dioxide Geologic Storage Act. Provides for the comprehensive regulation of the injection of carbon dioxide (CO₂) into deep reservoirs that commence on or after January 1, 2012. Requires the Illinois Department of Natural Resources (IDNR) to issue a reservoir permit after satisfying certain criteria, including that the applicant has applied for or been issued a underground injection control (UIC) permit. Requires IDNR to hold public hearings regarding the reservoir permit application. Defines the ownership and conveyance of reservoir pore space. Requires a Memorandum of Understanding (MOU) between the Department and the Illinois EPA with regard to their respective roles under the bill.

HB 805 (Mautino). *House Amendment #1 (which becomes the bill) held in the House Rules Committee; bill re-referred to the House Rules Committee.* Amends the Illinois Municipal Code. Authorizes municipalities to impose civil penalties for environmental violations pursuant to ordinance.

Amends the Environmental Protection Act (EPAAct). Allows a local government within a county with a population between 110,000 and 115,000 (La Salle) and a county between 34,000 and 35,000 (Bureau, Effingham, and Christian) to do the following:

1. adopt an ordinance requiring persons applying sludge to land to provide certain notices and information, and NOT to stockpile sludge for more than 30 days, NOT dump sludge in open trenches or bury it, and to document lab testing for "any hazardous substance or contaminant";
2. imposes fees to apply sludge to land, not to exceed 20 cents per ton; and
3. imposes civil penalties for sludge application that result in the release of any hazardous substance or any other contaminant that the unit of local government finds "injurious to the public health and safety of the community." Penalties could be imposed against any person applying the sludge, or any person who owned or leased the land and gave actual or constructive consent to the application.

The above would be IN ADDITION to existing State requirements, fees, and penalties.

Effective immediately.

HB 1254 (Mell/Martinez). *Passed the House; re-referred back to the Senate Committee on Assignments.* Amends the Litter Control Act. Provides that persons who violate the specified littering provision within the Litter Control Act are subject to a mandatory minimum fine of \$100. *Currently, there is no fine specified for a violation of the littering provision under the Litter Control Act.*

HB 1266 (Flowers). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPA). By January 1, 2013, requires the Illinois EPA to file with the Governor and General Assembly and publish on its web site a list of chemicals that: 1) are produced or distributed in Illinois in quantities that may have a potentially significant impact on people or the environment; and 2) have not been required to be tested under Section 4 of the federal Toxic Substances Control Act (TSCA), and to update the list from time to time. Chemicals may be placed on this list by meeting any one of five criteria, and within one year after filing and publishing the list, the Agency would be required to develop testing protocols to assess the safety of the chemicals. To the maximum extent possible, requires the Illinois EPA to adopt testing protocols equivalent to those adopted by the European Union's (EU) Registration, Evaluation, Authorization, and Restriction of Chemicals (REACH) law. Allows the Agency to require manufacturers and distributors of listed chemicals to report the identity and quantity of chemicals that they produce or distribute in Illinois, and to produce any other information about the chemical(s) that the Agency deems relevant in establishing the testing protocols. Effective immediately.

HB 1269 (Nekritz). *Re-referred to the House Rules Committee.* Creates the BPA-Free Kids Act. Beginning June 1, 2012, prohibits any person from selling, distributing, offering to sell, or offering to distribute any reusable food or beverage container, including any baby bottle or sippy cup, that contains bisphenol A (BPA). Beginning June 1, 2016, prohibits the sale of any infant formula or baby food in any can, jar, or plastic container that contains BPA and which is designed, intended, or marketed to be filled with food or beverages primarily for consumption by children 3 years old or younger. Authorizes the Attorney General's Office to administer and ensure compliance with this Act, including imposing civil penalties. Authorizes the Illinois EPA and the Department of Public Health (IDPH) to participate in an interstate information clearinghouse to promote safer products in consumer products. Introduced for Environment Illinois.

HB 1270 (Nekritz). *Re-referred to the House Rules Committee.* Creates the Toxic Chemical Safety Act. Requires the Illinois EPA to publish a list of chemicals of high concern by January 1, 2013, and to update the list annually. Also requires the Agency to designate from this list certain chemicals known to be human carcinogens as priority chemicals, and allows the Agency to designate certain other chemicals as priority chemicals. Requires manufacturers and distributors of children's products that contain one or more priority chemicals to notify the Illinois EPA and provide specific information about the priority chemical(s) and about potential alternatives to the priority chemical(s). Allows the Agency to prohibit the manufacture, sale, or distribution of children's products containing priority chemicals under certain circumstances. Requires manufacturers and distributors of prohibited children's products to file compliance plans to remove or replace the priority chemical, and also allows for waivers under certain

circumstances. Allows the Illinois EPA to participate in an interstate clearinghouse to promote safer chemicals in consumer products, and creates an Advisory Council on Toxic Substances to provide the Agency expert advice on toxic chemicals and alternatives.

HB 1379 (Thapedi). *Re-referred to the House Rules Committee.* Amends the State Finance Act and the Illinois Aeronautics Act. Creates the Baggage Fee Sharing Program and the Baggage Fee Sharing Revolving Fund. Requires the Department of Transportation (IDOT) to collect a fee equal to 6.25% of all fees charged and collected in the State by persons operating aircraft for hire or reward for simultaneously transporting tangible personal property. Sets forth the allocation of the collected fee revenue. Also establishes limitations and exceptions to the Baggage Fee Sharing Program. Authorizes IDOT to adopt rules to implement the program. Effective immediately.

HB 1441 (Mautino). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPAAct). Allows any municipality to impose a penalty at property where a hazardous substance or any other contaminant was released where the municipality finds that the property is injurious to the public health and the safety of the community. *This would be IN ADDITION to existing penalties imposed by the State.* Immediate effective date.

HB 1469 (Franks). *Re-referred to the House Rules Committee.* Creates the McHenry County Plastic Bag Recycling Act and the McHenry County Plastic Bag Recycling Task Force. Requires the Task Force to promulgate procedures and guidelines implementing a voluntary plastic bag recycling pilot program for retailers in McHenry County. Requires retailers that participate in the voluntary program to comply with certain requirements. Sets out the composition and duties of the Task Force. Require the Task Force and the Illinois EPA to collaborate on a report to be submitted to the Governor and the General Assembly by March 1, 2013. Provides that the Act is repealed on June 1, 2013.

HB 1555 (Sente). *Re-referred to the House Rules Committee.* Amends the Illinois Solid Waste Management Act. Prohibits any person from selling or commercially distributing any styrofoam-containing food or beverage containers at the State fairgrounds or the Capitol complex. Provides that a violation of the bill would be a business offense punishable by a fine of \$100. Immediate effective date.

HB 1585 (Sente). *Re-referred to the House Rules Committee.* Amends the Illinois Plumbing License Law. Provides that "plumbing" includes rainwater harvesting distribution systems, but does not include any rainwater harvesting distribution system or rainwater harvesting collection system unless otherwise required by the Illinois Plumbing Code. Requires the Illinois Department of Public Health (IDPH) to adopt and publish a minimum code of standards for rainwater harvesting collection systems and rainwater harvesting distribution systems by January 1, 2012. Requires rainwater harvesting collection systems and rainwater harvesting distribution systems to: 1) be used only for non-potable uses; and 2) be constructed in accordance with the Illinois Plumbing Code. Defines "rainwater harvesting collection system" and "rainwater harvesting distribution system." Effective immediately. Identical to SB 38 (Garrett/Sente).

HB 1671 (Reitz). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPA). Changes the guidelines for the Pollution Control Board's (PCB) adoption of maximum contaminant levels that can be present in "uncontaminated soil" used as fill material in clean construction or demolition debris (CCDD) and uncontaminated soil fill operations. Clarifies that certain excavations or fill operations are not considered CCDD or uncontaminated soil fill operations. Provides specifications for determining whether public right-of-ways are considered industrial/commercial property for purposes of certifying that soil is uncontaminated. Requires CCDD fill operations to accept highway authorities' certifications that soil is uncontaminated based upon the highway authorities' own "policies, procedures, and specifications." Immediate effective date.

HB 1704 (Bradley). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPA). Requires the Illinois EPA to act upon all NPDES (water pollution discharge) permit applications within 120 days. Any permit application not so acted upon by the Agency within 120 days would be deemed approved. Introduced for Peabody Energy.

HB 1729 (Mulligan). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPA). Requires the Illinois EPA, in consultation with the Illinois Department of Public Health (IDPH), to conduct a study describing the adverse environmental and human health impacts caused by runways and air traffic at Chicago's O'Hare Airport. Requires the Agency to deliver a written report of its findings by December 31, 2011. Immediate effective date.

HB 1878 (Holbrook). *Re-referred to the House Rules Committee.* Amends the Clean Coal FutureGen for Illinois Act. Provides that if the FutureGen Alliance selects as its location for CO2 storage a designated site or sites in the State of Illinois suitable for injection of captured CO2 into the Mount Simon Formation (rather than at the Tuscola or Mattoon site), then the operator shall retain the rights, title, and interest in and to, and any liabilities associated with the pre-injection CO2. Provides that the operator shall retain all rights, title, and interest in the sequestered CO2 during the operational phase of the FutureGen Project. Following the operational phase of the FutureGen Project, requires the operator to transfer and convey and requires the State of Illinois to accept and receive, with no payment due from the State, all rights, title, and interest in and to, and any liabilities associated with the sequestered CO2.

Requires the operator, rather than the Department of Commerce and Economic Opportunity (DECO), to procure a certain insurance policy that insures the operator against any qualified loss stemming from a public liability action and with coverage limits of at least \$15 million. Requires the operator to establish and fund a newly-created CO2 Storage Trust Fund to complement commercially-available insurance products, and to support the operator's ability to satisfy financial assurance obligations that may be required by law or the terms of the operator's permit issued by the Illinois EPA. Requires the State to indemnify the operator and hold the operator harmless against any qualified loss stemming from a public liability action to the extent that the qualified loss is not covered under the insurance policy required under the Clean Coal FutureGen for Illinois Act, and to the extent that the CO2 Storage Trust Fund lacks adequate funds to cover the loss. Extends the repeal date from March 1, 2011 to March 1, 2015. Makes other changes. Introduced for the FutureGen Alliance. Immediate effective date.

HB 1917 (Thapedi). *Re-referred to the House Rules Committee.* Amends the Vehicle Emissions Inspection Law of 2005 (VEI) within the Illinois Vehicle Code Requires those vehicle owners required to have vehicle emissions inspections (those that live within the Chicago metropolitan and Bi-State Metro East nonattainment areas of the State) to pay a \$10 fee for each inspection. Revenue derived from this fee would be deposited into the Vehicle Inspection Fund (VIF) to fund the program. Vehicle emissions inspections, which are typically required every 2 years, have been free since required in 1985.

HB 1979 (Bradley). *Re-referred to the House Rules Committee.* Amends the Illinois Use Tax Act to revise the definition of "gasohol" to allow for a greater proportion of ethanol to be blended with gasoline than the current 10%. Immediate effective date.

HB 2081 (Lang). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPAAct). Requires that the Illinois EPA to: 1) identify a system for the issuance of general permits and permits by rule; 2) complete a study of the legislative and administrative actions that must be taken to establish and implement such a system within 4 months; 3) report to the General Assembly the results of the study and recommendations for legislative changes; and 4) establish and implement such a system within one year after the adoption of the legislative and administrative changes.

HB 2879 (W. Davis). *Re-referred to the House Rules Committee.* Amends the Illinois Fertilizer Act of 1961. Increases from 25¢ per ton to \$1 per ton the inspection fees for all commercial fertilizers and custom mixes. Increases from 50% to 7/8 of the \$1 per ton inspection fee to be paid into the Fertilizer Control Fund. Requires at least 50% of the funds appropriated to the fertilizer research and education program to be used for projects designed to avoid or reduce water pollution that may arise from the use of fertilizer in agriculture. Increases from 9 to 15 the Fertilizer Research and Education Council members and sets forth qualifications for the additional members. Makes other changes. Effective July 1, 2012.

HB 2896 (Winters/Harmon). *Passed the House; re-referred back to the Senate Committee on Assignments.* Amends the Illinois Power Agency Act. Provides that the definition of "renewable energy resources" includes synthetic gas created by the plasma gasification of waste, densified fuel pellets made from waste material that does not include materials resulting from the handling, processing, storage, and consumption of food, and fuel produced by pyrolysis of organic or waste material from a municipality. Also provides that "clean coal facility" may also mean an electric generating facility that uses synthetic gas created by such materials. Effective immediately.

HB 3083 (Harris). *Re-referred to the House Rules Committee.* Amends the Illinois Procurement Code, the Illinois Highway Code, and the Toll Highway Act. On and after January 1, 2015, requires 25% of all vehicles purchased with State funds to be vehicles fueled by electricity, compressed natural gas, liquid petroleum gas, or liquid natural gas. By January 1, 2015, requires the Illinois Department of Transportation (IDOT) to construct and maintain at least one electric vehicle charging station at each rest area on state highways. By January 1, 2015, requires the Toll Highway Authority to construct and maintain at least one electric vehicle

charging station at any location where the Authority has entered into an agreement with any entity for the purposes of providing motor fuel service stations and facilities, garages, stores, or restaurants along the toll highways. Requires IDOT and the Toll Highway Authority to adopt rules to implement these requirements.

HB 3099 (Tryon) *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPAct). Requires the Illinois EPA to include in its rulemaking processes a process for expediting the issuance of permits and licenses. Authorizes the Agency to engage any experts and additional resources that are reasonably necessary for implementing this expedited process. Limits use of the expedited process to only those applicants that specifically request it, and requires the applicant to pay for any additional costs incurred by the Illinois EPA for using the expedited process. Immediate effective date.

HB 3177 (Tryon) *Re-referred to the House Rules Committee.* Amends the Counties Code. Authorizes the county board of any county to regulate, for public health purposes, the keeping of livestock on properties that are 3 acres or less in size where more than 2 head of livestock per acre are being housed or maintained and the livestock are located within 500 feet of any neighboring residential dwelling. Defines "livestock." Effective immediately.

HB 3242 (Morthland) *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPAct). Specifies the manner in which the Illinois EPA may collect and solicit citizen complaints. Requires complainants to provide their name and mailing address for complaints alleging violations arising out of agricultural production. Requires the Illinois EPA to keep the names and addresses of complainants confidential and subject to criminal penalty provisions. Introduced for the Farm Bureau. Immediate effective date. Introduced for the Farm Bureau.

HB 3264 (Jakobsson) *Passed the House; first reading in the Senate.* Amends the Illinois Groundwater Protection Act. Within 60 days after receiving notice from the Environmental Protection Agency that volatile organic compounds have been detected in excess of specified standards, requires the Department of Public Health (IDPH) to post a notice that identifies the contaminants of concern on its Internet website for at least 3 weeks.

HB 3305 (Hays) *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPAct), the Department of Natural Resources (DNR) Law, the Department of Transportation (IDOT) Law of the Civil Administrative Code of Illinois, and the State Fire Marshal (OSFM) Act. Requires that the rulemaking processes of the Illinois EPA, DNR, and the OSFM include a process for expediting the issuance of permits and licenses specifically for clean coal projects. Authorizes these state agencies to engage the experts and additional resources that are reasonably necessary for implementing this expedited process. Requires the permit applicant to request the use of the expedited process, and that the applicant pay any additional costs to pay for any additional resources required by the state agency to expedite the permit or license. Immediate effective date.

HB 3307 (Tracy) *Re-referred to the House Rules Committee.* Amends the Illinois Renewable Fuels Development Program Act and the State Finance Act. Requires the Department of

Commerce and Economic Opportunity (DCEO) to create and operate an E85 Market Expansion Program that provides debit cards, credit cards, E85 coupons, or some other form of negotiable instrument as determined by the Department for \$500 in credit towards the purchase price of E85 fuel purchased within Illinois. Requires program applicants to have purchased a new flexible fuel vehicle within the 12-month period prior to submitting the application to be eligible for the Program. Provides that only one Program grant shall be made to the owner of any vehicle during the life of that vehicle. Creates the E85 Market Expansion Fund. Effective immediately.

HB 3424 (Biss). *Re-referred to the House Rules Committee.* Amends the Electronic Products Recycling and Reuse Act (E-Waste Act). Requires the Illinois EPA to issue grants to county recycling coordinators for the purpose of informing residents about the E-Waste Act. Allows the Agency to issue administrative citations (ACs) for violations of the E-Waste Act. Requires the Illinois EPA to post on its website the locations that collectors collect CEDs and the pounds collected at each location. Changes the definition of underserved counties. Adds additional criteria for manufacturers of electronic products to adjust their total weight of electronic products recycled. Changes the dates by which manufacturer and collector reports are due. Reduces the registration fees for certain manufacturers. Effective immediately. Introduced for the Environmental Law and Policy Center (ELPC). Similar to SB 2106 (Garrett/Biss).

HB 3467 (Hernandez). *Defeated once already in the House Environmental Health Committee; re-referred to the House Rules Committee.* Amends the Department of Human Services (DHS) Act. Beginning February 2, 2013, requires DHS to ensure that the infant formula provided to participants under the Women, Infants, and Children Nutrition Program is packaged in containers which do not contain the chemical bisphenol A (BPA). Authorizes DHS to suspend implementation of the requirements of this bill until the Department enters a new contract period equaling 5 years for any type of infant formula provided by the Program, if: 1) DHS determines that implementing the provision would decrease the availability of infant formula to participants of the Program or cause an unacceptable fiscal impact to the State; and 2) the Department publishes a notice of suspension in the *Illinois Register*.

HB 3504 (Tryon). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPA). Requires the Illinois EPA to establish BY RULE an annual NPDES (water pollution discharge) permit fee for CAFOs (concentrated animal feeding operations). Prohibits the fee from exceeding the Illinois EPA's costs for administering the program. Introduced for Environment Illinois. Similar to SB 2209 (Silverstein).

HB 3572 (Rosenthal). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPA). Requires the Illinois EPA to provide permit applicants with an opportunity to review and comment on draft permits without public notice. Also authorizes the Agency, without public notice, to modify draft permits. Requires the Illinois EPA, to the maximum extent possible, to issue general (rather than site-specific) air permits. Requires the Agency to expedite NPDES permit renewals if certain requirements are met. Authorizes the Illinois Pollution Control Board to adopt rules providing for the issuance of air permits by rule, if it deems that a class of facilities or equipment does not "make a significant contribution of air contaminants to the atmosphere." Requires the Illinois EPA to issue permits to the owners or operators of facilities or equipment meeting the requirements of the rules adopted by the Board,

and requires the Agency to create common company identification numbers to be used agency-wide to refer to companies that do business in the State. Also requires the Illinois EPA to create a permit streamlining unit.

HB 3592 (Mussman). *Re-referred to the House Rules Committee.* Creates the Grow Green Illinois Jobs Act. Notwithstanding the provisions of any other Act, requires any state agency or unit of local government to expedite permitting and approval for the siting and location of machinery and equipment used directly in generating electricity using fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun or landfill gas as the principal source of power within its jurisdictional or regulatory authority. In order to receive certification or approval for expedited permitting and approval under the bill, requires the person proposing to site a renewable energy project to meet specified construction standards and conduct certain public workshops set forth in the bill. Provides that issuance of a certificate or approval under the bill shall not be construed to preempt jurisdiction of any state agency or unit of local government over matters that are not included in and governed by the certificate, including, but not limited to, employee health and safety, wage, and hour or other labor regulations, or other design and operational issues that do not relate to the siting of the renewable energy facilities. Provides that the provisions of the Act shall no longer apply on January 1, 2013 or, if an application for a renewable energy project in the State has been filed before January 1, 2013, until the application has been finally acted upon, whichever is later. Sets forth provisions concerning legislative intent, purpose and definitions. Also amends the Counties Code, the Illinois Municipal Code, and the Environmental Protection Act (EPAct) to make corresponding changes.

HB 3624 (Feigenholtz). *Re-referred to the House Rules Committee.* Amends the Environmental Protection Act (EPAct). Authorizes Illinois EPA to disburse grants from the Illinois Clean Water Fund to other state agencies, local governments, publicly owned entities subject to NPDES (water pollution discharge) permitting requirements, and charitable organizations for the purposes of reducing water pollution and protecting surface and ground water quality and aquatic habitats. Also, states that the Agency may adopt rules to administer the grant program. Effective July 1, 2011. Introduced for the Sierra Club. Identical to SB 1981 (Garrett).

HB 3754 (May). *Referred to the House Rules Committee.* Creates the Electric Vehicle Infrastructure Act. Provides for coordination of transportation planning organizations, Office of the Governor, the Department of Commerce and Economic Opportunity (DCEO), the Illinois EPA, the Citizens Utility Board, environmental and public policy organizations, electric utilities, certain federal agencies, and others to provide input and seek funding opportunities for the planning, deployment, and installation of electric vehicle public recharging stations capable of being “integrated intelligently” with the electrical grid.

Requires local municipalities and counties throughout Illinois to require a portion of all public and private parking lots, garages, and on-street parking be reserved for electric vehicles and have publicly accessible recharging stations for the vehicles to “plug in” while parked. This would be done as a phase-in as the number of registered electric vehicles increases, starting with 2% and culminating at 20% of all parking slots in the affected garage or lot. Note that the “parking lot”

requirement is not limited to the City of Chicago, but appears to affect all counties and municipalities in Illinois.

Creates the Transportation Electrification Energy Block Grant Fund, which would be a new special fund in the state treasury administered by DCEO. The Grant Fund would be required to have deposits in the form of: 1) appropriations made by the legislature; 2) other public and private sector funds; and 3) federal grants and other federal funding sources. The Grant Fund would be required to pay for 2 full-time employees at DCEO and all related administrative expenses. Also provides grants for residential recharging stations (up to \$750), for public recharging stations (up to \$3,500), and for innovative programs such as car-sharing, solar canopies to recharge electric vehicles, demonstration projects, and many similar electrification projects related to electric recharging (up to \$75,000). Also note that, aside from grant funding for retail E85 (gasoline blended with 15% ethanol) stations issued in the past by DCEO, the bill does not create any special fund or state grant program for refueling infrastructure for natural gas, propane, E85, and biodiesel.

Starting in 2012, requires that at least 25% of new vehicle purchases made by the State to be electric vehicles (Chevy Volt, Nissan Leaf, Ford Focus EV, etc.). The Nissan Leaf, Ford Focus EV, Mitsubishi's EV, and similar dedicated electric vehicles due to be available later this year would be limited to local driving only, while the Chevy Volt can travel long distances (interstate driving) due to its gasoline-powered electric generator for on-board battery recharging. Effective immediately.

SB 38 (Garrett/Sente). *Passed the Senate; re-referred back to the House Rules Committee.* Amends the Illinois Plumbing License Law. Provides that "plumbing" includes rainwater harvesting distribution systems, but does not include any rainwater harvesting distribution system or rainwater harvesting collection system unless otherwise required by the Illinois Plumbing Code. Requires the Illinois Department of Public Health (IDPH) to adopt and publish a minimum code of standards for rainwater harvesting collection systems and rainwater harvesting distribution systems by January 1, 2012. Requires rainwater harvesting collection systems and rainwater harvesting distribution systems to: 1) be used only for non-potable uses; and 2) be constructed in accordance with the Illinois Plumbing Code. Defines "rainwater harvesting collection system" and "rainwater harvesting distribution system." Effective immediately. Identical to HB 1585 (Sente).

SB 89 (Althoff). *Re-referred to the Senate Committee on Assignments.* Amends the Environmental Protection Act. Exempts boat storage, boat sales, or boat service/maintenance facilities from the Illinois EPA's annual NPDES (water pollution discharge) industrial stormwater permit fees.

SB 863 (Link). *Defeated by a vote of 19-30-1 in the Senate.* Creates the Waukegan Harbor Remedy Facilitation Act. Specifies that an In-Lake Michigan confined disposal facility (CDF) is the preferred option for disposing of the polychlorinated biphenyls (PCBs) and other hazardous wastes from the Waukegan Outdoor Marine Superfund site. Authorizes the Waukegan Port District to expand its existing South Harbor boating and recreational facilities atop of the In-Lake confined disposal facility (CDF). Authorizes the Waukegan Port District to contract with the

USEPA for O& M of the CDF as long as the USEPA agrees not to hold the Port District or the State liable for operations and maintenance (O&M) of the CDF. Effective Immediately. Introduced for the Waukegan Port District.

SB 1216 (Murphy). *Re-referred to the Senate Committee on Assignments.* Amends the Vehicle Emissions Inspection (VEI) Law within the Illinois Vehicle Code. Authorizes vehicles to be inspected at a time outside of their normal 2-year inspection schedules for emissions where the owner of the vehicle expects to be out-of-state during the vehicle's scheduled inspection. Requires the owner to submit an affidavit stating he or she expects to be out of the State during the scheduled inspection. Specifies procedures for the submission of the affidavit. Effective immediately.

SB 1543 (Koehler/Beiser). *Passed the Senate; re-referred back to the House Rules Committee.* Amends the Environmental Protection Act (EPA Act). Allows general construction or demolition debris (C&D) recycling facilities to multiply by 2 the amount of asphalt roofing shingles that they send for recycling in accordance with a beneficial use determination. (C&D recycling facilities subject to Section 22.38 are currently required to divert from landfills at least 75% of the general C&D they receive.) Also amends the Illinois Highway Code. Requires the use of asphalt shingles in the Department of Transportation's (IDOT) mix designs if the shingles are received from facilities authorized to recycle asphalt roofing shingles by the Illinois EPA, and are in compliance with Illinois EPA operational guidelines and asbestos testing requirements. Introduced for the Land Recycling and Reclamation Association (LRRRA). Identical to HB 1326 (Beiser/Koehler).

SB 1567 (Clayborne/Holbrook). *Passed the Senate; re-referred back to the House Rules Committee.* Creates the Carbon Capture and Sequestration Legislation Commission Act. Requires the Commission to file a report no later than December 31, 2012 with the General Assembly on all issues deemed appropriate to carbon capture and sequestration legislation, including, but not limited to: 1) ownership of the carbon dioxide (CO₂); 2) liability for release of CO₂; 3) acquisition and ownership of pore space; 4) procedures and safeguards for the transportation and sequestration of CO₂; 5) a methodology to establish any necessary fees, costs, or offsets; 6) the potential use of CO₂; 7) construction of pipelines; 8) coordination with federal and state laws and regulations; and 9) coordination with the Illinois EPA, the Illinois Department of Natural Resources (IDNR), the USEPA, and other applicable regulatory agencies and commissions. Effective immediately. Introduced for the Illinois Chamber of Commerce (ICOC).

SB 1615 (Steans/Williams). *Passed the Senate; re-referred back to the House Rules Committee.* Amends the Alternate Fuels Act. Authorizes the Illinois EPA to provide a grant from the Agency's Alternate Fuels Rebate Program through FY2013 (potentially partially in SFY 2011 as well as in FY2012 and FY2013) to any car-sharing program "in Illinois." As drafted, this bill would not only allow the I-GO non-profit car-sharing program in the Chicago area to request a grant, but also the Zip-Car (for-profit) car-sharing program currently in business in Champaign and in Chicago, as well as any other car-sharing program in the State. Also caps the amount of the grant to 25% (previously 100%) of the total project costs for the purchase of electric vehicles and recharging infrastructure, not to exceed the amount available in the

Alternate Fuels Fund. The Agency would have the discretion of providing such grants for car-sharing programs that submit a grant proposal by June 30, the end of the State's fiscal year. After June 30, the Agency would be required to review the amount of funds in the Alternate Fuels Fund and would have the discretion to provide up-front grants to one or more car-sharing programs not to exceed the amount remaining in the fund.

In addition, the Illinois EPA would be required to consider the "overall level of environmental benefits to be realized by the proposed project" in considering one or more submitted project proposals. *The I-GO program in Chicago utilizes solar panels to provide solar energy used to recharge its plug-in vehicles, whereas Zip-Car and most other car-sharing operations rely on electricity from the grid.*

Any grant provided by the Illinois EPA under this bill would be an "up-front grant" and not a reimbursable expense. The current rebate program provides alternate fuel vehicle rebates after the eligible vehicle purchases are made, and does not include refueling infrastructure. If a grant is provided, the grant amount is discretionary and is based on the project proposal for vehicle and recharging infrastructure from the applicant. Within one year after the grant is provided, the car-sharing organization would be required to submit a project report detailing all expenses for the vehicles and recharging infrastructure. Any unspent funds would have to be returned to the Illinois EPA. If any electric vehicle does not stay in service for the grantee for at least 5 years after purchase (except if the vehicle is replaced by a comparable vehicle or cannot be operated due to an accident or other damage), the grantee would be required to reimburse the Agency a pro-rated amount. Effective immediately. Introduced for I-GO. Identical to HB 2903 (Williams).

SB 1617 (Steans/Zalewski). *Passed the Senate; defeated by a vote of 7-11-1 in the House Environment & Energy Committee; re-referred back to the House Rules Committee.* Amends the Environmental Protection Act (EPA Act). Phases out the use of perchloroethylene ("perc") by drycleaners. Prohibits the use of perc by drycleaners on and after January 1, 2030. Allows drycleaners to continue using perc machines until this ban takes effect, provided that "3rd generation" perc machines (which have primary but not secondary controls to trap harmful vapors) can continue to be used only in their current location.

Requires persons properly trained in drycleaning best management practices to be present at drycleaning facilities whenever any drycleaning machines are operated. Requires secondary containment measures for drycleaning machines (thus, mirroring the secondary containment requirements of the Drycleaner Environmental Response Trust Fund Act).

Requires manufacturers of drycleaning solvents and other cleaning agents used as alternatives to perc in drycleaning to provide the Illinois EPA with sufficient information to determine whether the solvents pose negative impacts to human health and the environment. Requires the Agency to adopt rules specifying the information to be submitted. Requires the Illinois EPA to post information resulting from its review on its website.

Requires the Illinois EPA to review at least three times (in 2015, 2021, and 2028) alternatives to perc drycleaning to determine whether they: 1) are allowed by law; and 2) pose negative

impacts to human health and the environment. Allows the drycleaning industry, in consultation with the Illinois EPA, to recommend a delay in the January 1, 2030, perc ban if alternatives to perc will not be available by that date. Effective immediately.

SB 1653 (Harmon/Bradley). *Passed the Senate; re-referred back to the House Committee.* Creates the Illinois Renewable Electricity Resources Act. Amends numerous Acts including the Illinois Power Agency Act. Among other things, this bill includes a provision intended to facilitate development of the proposed Tenaska clean coal gasification plant in Taylorville.

Specific to the Illinois EPA, requires the Agency to take certain actions with respect to CO2 sequestration sites and CO2 pipelines. Requires the Illinois EPA to annually inspect sequestration sites for “safety and feasibility.” Also requires the Illinois EPA to issue seal orders and request the institution of civil actions for injunctions if sequestration site conditions warrant such actions, and to post notice of such actions on its website. Requires the Illinois Commerce Commission (ICC) to notify the Illinois EPA if the ICC determines that a CO2 pipeline creates conditions that warrant the issuance of a seal order by the Illinois EPA. Requires the Illinois EPA to request the institution of a civil action for an injunction if the ICC determines that a CO2 pipeline creates conditions that warrant such action. Effective immediately.

SB 1682 (Link/Tryon). *Passed the Senate; defeated once already in the House by a vote of 48-67-2; re-referred back to the House Rules Committee.* Amends the Environmental Protection Act (EPA). Establishes an annual NPDES (water pollution discharge) permit fee of up to \$1,200 for CAFOs (concentrated animal feeding operations). Provides that the fee should be sufficient to support the Illinois EPA’s costs of administering the CAFO program under the federal Clean Water Act, provided the fee does not exceed \$1,200 per year. Effective immediately.

SB 1841 (Holmes). *Re-referred to the Senate Committee on Assignments.* Amends the Environmental Protection Act (EPA). Requires the Illinois EPA to serve notice of alleged violations of the EPA, regulations, and/or permit conditions to the person complained against within 90 days of becoming aware of the allegations (currently notice must be served within 180 days). Prohibits the Illinois EPA from disclosing “investigative data” until the notice has been served. Effective immediately. Introduced for the Farm Bureau.

SB 1981 (Garrett). *Re-referred to the Senate Committee on Assignments.* Amends the Environmental Protection Act (EPA). Authorizes Illinois EPA to disburse grants from the Illinois Clean Water Fund to other state agencies, local governments, publicly owned entities subject to NPDES (water pollution discharge) permitting requirements, and charitable organizations for the purposes of reducing water pollution and protecting surface and ground water quality and aquatic habitats. Also, states that the Agency may adopt rules to administer the grant program. Effective July 1, 2011. Introduced for the Sierra Club. Identical to HB 3624 (Feigenholtz).

SB 2010 (Frerichs/Dugan). *Passed the Senate; re-referred back to the House Rules Committee.* Amends the Illinois Fertilizer Act of 1961. Establishes labeling requirements for fertilizers and custom blends. Makes it unlawful to misbrand or adulterize a fertilizer within the State.

Authorizes the Director of the Department of Agriculture to refuse to register a fertilizer, or to cancel or suspend a fertilizer registration, custom blend, or fertilizer if certain specified claims are made. Also authorizes the Director to issue and serve a written stop sale, stop use, or regulate removal order upon an owner, operator, manager, or agent in charge of fertilizer.

Creates the Nutrient Research and Education Council (NREC) for the purpose of pursuing nutrient research and providing educational programs to ensure the adoption and implementation of practices that optimize nutrient use efficiency, ensure soil fertility, and address environmental concerns with regard to fertilizer use. Authorizes the Department to issue subpoenas, temporary restraining orders, or preliminary or permanent injunctions against any person from violating or continuing to violate any provision of the Illinois Fertilizer Act. Provides for penalties based on type of violation. Makes other corresponding changes. Effective January 1, 2012. Introduced for the Illinois Fertilizer and Chemical Association.

SB 2081 (Dillard/May) *Passed the Senate; re-referred back to the House Rules Committee.* Amends the Environmental Protection Act (EPA). Requires a portion of the NPDES fees collected by the Illinois EPA from members of the DuPage River Salt Creek Workgroup (DRSCW) to be used to finance clean water projects recommended by the DRSCW. Requires such projects receiving grants from the Agency to be recommended by the DRSCW, in accordance with a project prioritization process and annual prioritized projects list. Establishes requirements for eligible projects. Establishes requirements for an organization to be certified as a Certified Local Watershed Organization (CLWO). Requires the Illinois EPA to adopt rules to implement these requirements. Creates the Illinois Local Watershed Fund as a special fund in the state treasury. Introduced for the DuPage River Salt Creek Workgroup (DRSCW).

SB 2138 (Garrett/Williams). *Passed the Senate; re-referred back to the House Rules Committee.* Creates the Electric Vehicle Adoption Act. Authorizes the Governor to appoint an electric vehicle coordinator from the Department of Commerce and Economic Opportunity (DCEO) who would act as the point person for electric vehicle related policies and activities in the State. Also creates the Electric Vehicle Advisory Council to recommend strategies to promote the use of electric vehicles, including infrastructure improvement, regulatory streamlining, and changes to electric utility rates. Members of the Council would include the directors or designees of the Illinois EPA and DCEO. Effective immediately. Introduced for I-GO. Identical to HB 2902 (Williams/Garrett).

SB 2209 (Silverstein). *Re-referred to the Senate Committee on Assignments.* Amends the Environmental Protection Act (EPA). Establishes an annual \$1,800 NPDES (water pollution discharge) permit fee for CAFOs (concentrated animal feeding operations). Introduced for Environment Illinois. Similar to HB 3504 (Tryon).

SB 2285 (Wilhelmi). *Re-referred to the Senate Committee on Assignments.* Amends the Freedom of Information Act (FOIA). With respect to the disclosure exemption for administrative enforcement and law enforcement records, extends the exemption to records the disclosure of which would affect enforcement proceedings and investigations of any public body (now, only the public body that receives the request). Requires a public body that receives any administrative enforcement or law enforcement records request but that is not the public body or

law enforcement or correctional agency contemplating or conducting a proceeding or investigation to transmit the request to such body or agency. Effective immediately.

RESOLUTIONS

HR 14 (Cross). *Adopted by the House.* Extends by 1 year (from January 1, 2010 to January 1, 2012) the reporting deadline for the task force created by HR 163 (Cross) from the 96th General Assembly to study local government development standards and processes concerning watersheds, wetlands, floodplains, floodways, and all other natural areas. Adds that the task force must study local government solicitation of and adherence to recommendations and findings of county, state, and federal agencies that regulate land, water, forest, or any other natural resource.

HR 56 (Dunkin). *Adopted by the House.* Urges the Illinois EPA to develop a plan to reduce the open dumping of used/waste tires through enhanced regulation and enforcement, and to submit that plan to the General Assembly by December 1, 2011.

HR 135 (Mautino). *Assigned to the House Environmental Health Committee.* Urges the 112th Congress of the United States to enact federal legislation modernizing the Toxic Substances Control Act of 1976. Identical SR 82 (Jacobs).

HR 244 (McAsey). *Adopted by the House.* Urges the United States Army Corps of Engineers to seek alternatives to the closure of the Chicago Area Waterway System of locks and canals that would not impede commerce. Identical to SR 169 (Wilhelmi).

HR 265 (Bost). *Assigned to the House Environmental Health Committee.* Urges Congress to adopt legislation prohibiting the USEPA, by any means necessary, from regulating greenhouse gas (GHG) emissions, including if necessary defunding the USEPA's GHG regulatory activities, to impose a moratorium on the promulgation of any new air quality regulations by the USEPA, except to directly address an imminent health or environmental emergency, for a period of at least two years, and to require the present Presidential administration to undertake a comprehensive study identifying all regulatory activity that the USEPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness. Identical to SR 171 (J. Jones).

HJR 34 (Yarbrough). *Adopted in the House; first reading in the Senate.* Supports the USEPA in its efforts to protect the health of Illinoisans and fulfill the charge of the Clean Air Act to clean up dangerous air pollution, including mercury, lead, soot, smog, and carbon pollution.

SR 70 (Kotowski). *Adopted by Senate.* Encourages Congress to enact federal legislation to modernize the Toxic Substances Control Act of 1976.

SR 82 (Jacobs). *Adopted by the Senate.* Urges the 112th Congress of the United States to enact federal legislation modernizing the Toxic Substances Control Act of 1976. Identical HR 135 (Mautino).

SR 169 (Wilhelmi). *Adopted by the Senate.* Urges the United States Army Corps of Engineers to seek alternatives to the closure of the Chicago Area Waterway System of locks and canals that would not impede commerce. Identical to HR 244 (McAsey).

SR 171 (J. Jones). *Assigned to the Senate Committee on Assignments.* Urges Congress to adopt legislation prohibiting the USEPA, by any means necessary, from regulating greenhouse gas (GHG) emissions, including if necessary defunding the USEPA's GHG regulatory activities, to impose a moratorium on the promulgation of any new air quality regulations by the USEPA, except to directly address an imminent health or environmental emergency, for a period of at least two years, and to require the present Presidential administration to undertake a comprehensive study identifying all regulatory activity that the USEPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness. Identical to HR (Bost).