



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1347

Introduced 1/28/2025, by Rep. Brad Halbrook - Jason R. Bunting

SYNOPSIS AS INTRODUCED:

415 ILCS 5/21
415 ILCS 5/42

from Ch. 111 1/2, par. 1021
from Ch. 111 1/2, par. 1042

Amends the Environmental Protection Act. In a provision regarding prohibited acts, provides that no person shall operate a commercial energy conversion facility in a manner that causes, threatens, or allows the release of oil, lubricant, hydraulic fluid, transformer solvent, insulation fluid, cleaning fluid, or any other similar fluid from the facility. Provides that any person who violates this prohibition shall, for each day of violation, be liable for a civil penalty of \$1,000. Provides for a 100% reduction in penalty for a person who promptly self-discloses noncompliance with this provision and promptly begins repairs.

LRB104 06942 BDA 16979 b

1 AN ACT concerning safety.

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

4 Section 5. The Environmental Protection Act is amended by
5 changing Sections 21 and 42 as follows:

6 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

7 Sec. 21. Prohibited acts. No person shall:

8 (a) Cause or allow the open dumping of any waste.

9 (b) Abandon, dump, or deposit any waste upon the public
10 highways or other public property, except in a sanitary
11 landfill approved by the Agency pursuant to regulations
12 adopted by the Board.

13 (c) Abandon any vehicle in violation of the "Abandoned
14 Vehicles Amendment to the Illinois Vehicle Code", as enacted
15 by the 76th General Assembly.

16 (d) Conduct any waste-storage, waste-treatment, or
17 waste-disposal operation:

18 (1) without a permit granted by the Agency or in
19 violation of any conditions imposed by such permit,
20 including periodic reports and full access to adequate
21 records and the inspection of facilities, as may be
22 necessary to assure compliance with this Act and with
23 regulations and standards adopted thereunder; provided,

1 however, that, except for municipal solid waste landfill
2 units that receive waste on or after October 9, 1993, and
3 CCR surface impoundments, no permit shall be required for
4 (i) any person conducting a waste-storage,
5 waste-treatment, or waste-disposal operation for wastes
6 generated by such person's own activities which are
7 stored, treated, or disposed within the site where such
8 wastes are generated, (ii) until one year after the
9 effective date of rules adopted by the Board under
10 subsection (n) of Section 22.38, a facility located in a
11 county with a population over 700,000 as of January 1,
12 2000, operated and located in accordance with Section
13 22.38 of this Act, and used exclusively for the transfer,
14 storage, or treatment of general construction or
15 demolition debris, provided that the facility was
16 receiving construction or demolition debris on August 24,
17 2009 (the effective date of Public Act 96-611), or (iii)
18 any person conducting a waste transfer, storage,
19 treatment, or disposal operation, including, but not
20 limited to, a waste transfer or waste composting
21 operation, under a mass animal mortality event plan
22 created by the Department of Agriculture;

23 (2) in violation of any regulations or standards
24 adopted by the Board under this Act;

25 (3) which receives waste after August 31, 1988, does
26 not have a permit issued by the Agency, and is (i) a

1 landfill used exclusively for the disposal of waste
2 generated at the site, (ii) a surface impoundment
3 receiving special waste not listed in an NPDES permit,
4 (iii) a waste pile in which the total volume of waste is
5 greater than 100 cubic yards or the waste is stored for
6 over one year, or (iv) a land treatment facility receiving
7 special waste generated at the site; without giving notice
8 of the operation to the Agency by January 1, 1989, or 30
9 days after the date on which the operation commences,
10 whichever is later, and every 3 years thereafter. The form
11 for such notification shall be specified by the Agency,
12 and shall be limited to information regarding: the name
13 and address of the location of the operation; the type of
14 operation; the types and amounts of waste stored, treated
15 or disposed of on an annual basis; the remaining capacity
16 of the operation; and the remaining expected life of the
17 operation.

18 Item (3) of this subsection (d) shall not apply to any
19 person engaged in agricultural activity who is disposing of a
20 substance that constitutes solid waste, if the substance was
21 acquired for use by that person on his own property, and the
22 substance is disposed of on his own property in accordance
23 with regulations or standards adopted by the Board.

24 This subsection (d) shall not apply to hazardous waste.

25 (e) Dispose, treat, store or abandon any waste, or
26 transport any waste into this State for disposal, treatment,

1 storage or abandonment, except at a site or facility which
2 meets the requirements of this Act and of regulations and
3 standards thereunder.

4 (f) Conduct any hazardous waste-storage, hazardous
5 waste-treatment or hazardous waste-disposal operation:

6 (1) without a RCRA permit for the site issued by the
7 Agency under subsection (d) of Section 39 of this Act, or
8 in violation of any condition imposed by such permit,
9 including periodic reports and full access to adequate
10 records and the inspection of facilities, as may be
11 necessary to assure compliance with this Act and with
12 regulations and standards adopted thereunder; or

13 (2) in violation of any regulations or standards
14 adopted by the Board under this Act; or

15 (3) in violation of any RCRA permit filing requirement
16 established under standards adopted by the Board under
17 this Act; or

18 (4) in violation of any order adopted by the Board
19 under this Act.

20 Notwithstanding the above, no RCRA permit shall be
21 required under this subsection or subsection (d) of Section 39
22 of this Act for any person engaged in agricultural activity
23 who is disposing of a substance which has been identified as a
24 hazardous waste, and which has been designated by Board
25 regulations as being subject to this exception, if the
26 substance was acquired for use by that person on his own

1 property and the substance is disposed of on his own property
2 in accordance with regulations or standards adopted by the
3 Board.

4 (g) Conduct any hazardous waste-transportation operation:

5 (1) without registering with and obtaining a special
6 waste hauling permit from the Agency in accordance with
7 the regulations adopted by the Board under this Act; or

8 (2) in violation of any regulations or standards
9 adopted by the Board under this Act.

10 (h) Conduct any hazardous waste-recycling or hazardous
11 waste-reclamation or hazardous waste-reuse operation in
12 violation of any regulations, standards or permit requirements
13 adopted by the Board under this Act.

14 (i) Conduct any process or engage in any act which
15 produces hazardous waste in violation of any regulations or
16 standards adopted by the Board under subsections (a) and (c)
17 of Section 22.4 of this Act.

18 (j) Conduct any special waste-transportation operation in
19 violation of any regulations, standards or permit requirements
20 adopted by the Board under this Act. However, sludge from a
21 water or sewage treatment plant owned and operated by a unit of
22 local government which (1) is subject to a sludge management
23 plan approved by the Agency or a permit granted by the Agency,
24 and (2) has been tested and determined not to be a hazardous
25 waste as required by applicable State and federal laws and
26 regulations, may be transported in this State without a

1 special waste hauling permit, and the preparation and carrying
2 of a manifest shall not be required for such sludge under the
3 rules of the Pollution Control Board. The unit of local
4 government which operates the treatment plant producing such
5 sludge shall file an annual report with the Agency identifying
6 the volume of such sludge transported during the reporting
7 period, the hauler of the sludge, and the disposal sites to
8 which it was transported. This subsection (j) shall not apply
9 to hazardous waste.

10 (k) Fail or refuse to pay any fee imposed under this Act.

11 (l) Locate a hazardous waste disposal site above an active
12 or inactive shaft or tunneled mine or within 2 miles of an
13 active fault in the earth's crust. In counties of population
14 less than 225,000 no hazardous waste disposal site shall be
15 located (1) within 1 1/2 miles of the corporate limits as
16 defined on June 30, 1978, of any municipality without the
17 approval of the governing body of the municipality in an
18 official action; or (2) within 1000 feet of an existing
19 private well or the existing source of a public water supply
20 measured from the boundary of the actual active permitted site
21 and excluding existing private wells on the property of the
22 permit applicant. The provisions of this subsection do not
23 apply to publicly owned sewage works or the disposal or
24 utilization of sludge from publicly owned sewage works.

25 (m) Transfer interest in any land which has been used as a
26 hazardous waste disposal site without written notification to

1 the Agency of the transfer and to the transferee of the
2 conditions imposed by the Agency upon its use under subsection
3 (g) of Section 39.

4 (n) Use any land which has been used as a hazardous waste
5 disposal site except in compliance with conditions imposed by
6 the Agency under subsection (g) of Section 39.

7 (o) Conduct a sanitary landfill operation which is
8 required to have a permit under subsection (d) of this
9 Section, in a manner which results in any of the following
10 conditions:

11 (1) refuse in standing or flowing waters;

12 (2) leachate flows entering waters of the State;

13 (3) leachate flows exiting the landfill confines (as
14 determined by the boundaries established for the landfill
15 by a permit issued by the Agency);

16 (4) open burning of refuse in violation of Section 9
17 of this Act;

18 (5) uncovered refuse remaining from any previous
19 operating day or at the conclusion of any operating day,
20 unless authorized by permit;

21 (6) failure to provide final cover within time limits
22 established by Board regulations;

23 (7) acceptance of wastes without necessary permits;

24 (8) scavenging as defined by Board regulations;

25 (9) deposition of refuse in any unpermitted portion of
26 the landfill;

1 (10) acceptance of a special waste without a required
2 manifest;

3 (11) failure to submit reports required by permits or
4 Board regulations;

5 (12) failure to collect and contain litter from the
6 site by the end of each operating day;

7 (13) failure to submit any cost estimate for the site
8 or any performance bond or other security for the site as
9 required by this Act or Board rules.

10 The prohibitions specified in this subsection (o) shall be
11 enforceable by the Agency either by administrative citation
12 under Section 31.1 of this Act or as otherwise provided by this
13 Act. The specific prohibitions in this subsection do not limit
14 the power of the Board to establish regulations or standards
15 applicable to sanitary landfills.

16 (p) In violation of subdivision (a) of this Section, cause
17 or allow the open dumping of any waste in a manner which
18 results in any of the following occurrences at the dump site:

19 (1) litter;

20 (2) scavenging;

21 (3) open burning;

22 (4) deposition of waste in standing or flowing waters;

23 (5) proliferation of disease vectors;

24 (6) standing or flowing liquid discharge from the dump
25 site;

26 (7) deposition of:

1 (i) general construction or demolition debris as
2 defined in Section 3.160(a) of this Act; or

3 (ii) clean construction or demolition debris as
4 defined in Section 3.160(b) of this Act.

5 The prohibitions specified in this subsection (p) shall be
6 enforceable by the Agency either by administrative citation
7 under Section 31.1 of this Act or as otherwise provided by this
8 Act. The specific prohibitions in this subsection do not limit
9 the power of the Board to establish regulations or standards
10 applicable to open dumping.

11 (q) Conduct a landscape waste composting operation without
12 an Agency permit, provided, however, that no permit shall be
13 required for any person:

14 (1) conducting a landscape waste composting operation
15 for landscape wastes generated by such person's own
16 activities which are stored, treated, or disposed of
17 within the site where such wastes are generated; or

18 (1.5) conducting a landscape waste composting
19 operation that (i) has no more than 25 cubic yards of
20 landscape waste, composting additives, composting
21 material, or end-product compost on-site at any one time
22 and (ii) is not engaging in commercial activity; or

23 (2) applying landscape waste or composted landscape
24 waste at agronomic rates; or

25 (2.5) operating a landscape waste composting facility
26 at a site having 10 or more occupied non-farm residences

1 within 1/2 mile of its boundaries, if the facility meets
2 all of the following criteria:

3 (A) the composting facility is operated by the
4 farmer on property on which the composting material is
5 utilized, and the composting facility constitutes no
6 more than 2% of the site's total acreage;

7 (A-5) any composting additives that the composting
8 facility accepts and uses at the facility are
9 necessary to provide proper conditions for composting
10 and do not exceed 10% of the total composting material
11 at the facility at any one time;

12 (B) the property on which the composting facility
13 is located, and any associated property on which the
14 compost is used, is principally and diligently devoted
15 to the production of agricultural crops and is not
16 owned, leased, or otherwise controlled by any waste
17 hauler or generator of nonagricultural compost
18 materials, and the operator of the composting facility
19 is not an employee, partner, shareholder, or in any
20 way connected with or controlled by any such waste
21 hauler or generator;

22 (C) all compost generated by the composting
23 facility, except incidental sales of finished compost,
24 is applied at agronomic rates and used as mulch,
25 fertilizer, or soil conditioner on land actually
26 farmed by the person operating the composting

1 facility, and the finished compost is not stored at
2 the composting site for a period longer than 18 months
3 prior to its application as mulch, fertilizer, or soil
4 conditioner;

5 (D) no fee is charged for the acceptance of
6 materials to be composted at the facility; and

7 (E) the owner or operator, by January 1, 2014 (or
8 the January 1 following commencement of operation,
9 whichever is later) and January 1 of each year
10 thereafter, registers the site with the Agency, (ii)
11 reports to the Agency on the volume of composting
12 material received and used at the site; (iii)
13 certifies to the Agency that the site complies with
14 the requirements set forth in subparagraphs (A),
15 (A-5), (B), (C), and (D) of this paragraph (2.5); and
16 (iv) certifies to the Agency that all composting
17 material was placed more than 200 feet from the
18 nearest potable water supply well, was placed outside
19 the boundary of the 10-year floodplain or on a part of
20 the site that is floodproofed, was placed at least 1/4
21 mile from the nearest residence (other than a
22 residence located on the same property as the
23 facility) or a lesser distance from the nearest
24 residence (other than a residence located on the same
25 property as the facility) if the municipality in which
26 the facility is located has by ordinance approved a

1 lesser distance than 1/4 mile, and was placed more
2 than 5 feet above the water table; any ordinance
3 approving a residential setback of less than 1/4 mile
4 that is used to meet the requirements of this
5 subparagraph (E) of paragraph (2.5) of this subsection
6 must specifically reference this paragraph; or

7 (3) operating a landscape waste composting facility on
8 a farm, if the facility meets all of the following
9 criteria:

10 (A) the composting facility is operated by the
11 farmer on property on which the composting material is
12 utilized, and the composting facility constitutes no
13 more than 2% of the property's total acreage, except
14 that the Board may allow a higher percentage for
15 individual sites where the owner or operator has
16 demonstrated to the Board that the site's soil
17 characteristics or crop needs require a higher rate;

18 (A-1) the composting facility accepts from other
19 agricultural operations for composting with landscape
20 waste no materials other than uncontaminated and
21 source-separated (i) crop residue and other
22 agricultural plant residue generated from the
23 production and harvesting of crops and other customary
24 farm practices, including, but not limited to, stalks,
25 leaves, seed pods, husks, bagasse, and roots and (ii)
26 plant-derived animal bedding, such as straw or

1 sawdust, that is free of manure and was not made from
2 painted or treated wood;

3 (A-2) any composting additives that the composting
4 facility accepts and uses at the facility are
5 necessary to provide proper conditions for composting
6 and do not exceed 10% of the total composting material
7 at the facility at any one time;

8 (B) the property on which the composting facility
9 is located, and any associated property on which the
10 compost is used, is principally and diligently devoted
11 to the production of agricultural crops and is not
12 owned, leased or otherwise controlled by any waste
13 hauler or generator of nonagricultural compost
14 materials, and the operator of the composting facility
15 is not an employee, partner, shareholder, or in any
16 way connected with or controlled by any such waste
17 hauler or generator;

18 (C) all compost generated by the composting
19 facility, except incidental sales of finished compost,
20 is applied at agronomic rates and used as mulch,
21 fertilizer or soil conditioner on land actually farmed
22 by the person operating the composting facility, and
23 the finished compost is not stored at the composting
24 site for a period longer than 18 months prior to its
25 application as mulch, fertilizer, or soil conditioner;

26 (D) the owner or operator, by January 1 of each

1 year, (i) registers the site with the Agency, (ii)
2 reports to the Agency on the volume of composting
3 material received and used at the site and the volume
4 of material comprising the incidental sale of finished
5 compost under this subsection (q), (iii) certifies to
6 the Agency that the site complies with the
7 requirements set forth in subparagraphs (A), (A-1),
8 (A-2), (B), and (C) of this paragraph (q)(3), and (iv)
9 certifies to the Agency that all composting material:

10 (I) was placed more than 200 feet from the
11 nearest potable water supply well;

12 (II) was placed outside the boundary of the
13 10-year floodplain or on a part of the site that is
14 floodproofed;

15 (III) was placed either (aa) at least 1/4 mile
16 from the nearest residence (other than a residence
17 located on the same property as the facility) and
18 there are not more than 10 occupied non-farm
19 residences within 1/2 mile of the boundaries of
20 the site on the date of application or (bb) a
21 lesser distance from the nearest residence (other
22 than a residence located on the same property as
23 the facility) provided that the municipality or
24 county in which the facility is located has by
25 ordinance approved a lesser distance than 1/4 mile
26 and there are not more than 10 occupied non-farm

1 residences within 1/2 mile of the boundaries of
2 the site on the date of application; and

3 (IV) was placed more than 5 feet above the
4 water table.

5 Any ordinance approving a residential setback of
6 less than 1/4 mile that is used to meet the
7 requirements of this subparagraph (D) must
8 specifically reference this subparagraph.

9 For the purposes of this subsection (q), "agronomic rates"
10 means the application of not more than 20 tons per acre per
11 year, except that the Board may allow a higher rate for
12 individual sites where the owner or operator has demonstrated
13 to the Board that the site's soil characteristics or crop
14 needs require a higher rate.

15 For the purposes of this subsection (q), "incidental sale
16 of finished compost" means the sale of finished compost that
17 meets general use compost standards and is no more than 20% or
18 300 cubic yards, whichever is less, of the total compost
19 created annually by a private landowner for the landowner's
20 own use.

21 (r) Cause or allow the storage or disposal of coal
22 combustion waste unless:

23 (1) such waste is stored or disposed of at a site or
24 facility for which a permit has been obtained or is not
25 otherwise required under subsection (d) of this Section;
26 or

1 (2) such waste is stored or disposed of as a part of
2 the design and reclamation of a site or facility which is
3 an abandoned mine site in accordance with the Abandoned
4 Mined Lands and Water Reclamation Act; or

5 (3) such waste is stored or disposed of at a site or
6 facility which is operating under NPDES and Subtitle D
7 permits issued by the Agency pursuant to regulations
8 adopted by the Board for mine-related water pollution and
9 permits issued pursuant to the federal Surface Mining
10 Control and Reclamation Act of 1977 (P.L. 95-87) or the
11 rules and regulations thereunder or any law or rule or
12 regulation adopted by the State of Illinois pursuant
13 thereto, and the owner or operator of the facility agrees
14 to accept the waste; and either:

15 (i) such waste is stored or disposed of in
16 accordance with requirements applicable to refuse
17 disposal under regulations adopted by the Board for
18 mine-related water pollution and pursuant to NPDES and
19 Subtitle D permits issued by the Agency under such
20 regulations; or

21 (ii) the owner or operator of the facility
22 demonstrates all of the following to the Agency, and
23 the facility is operated in accordance with the
24 demonstration as approved by the Agency: (1) the
25 disposal area will be covered in a manner that will
26 support continuous vegetation, (2) the facility will

1 be adequately protected from wind and water erosion,
2 (3) the pH will be maintained so as to prevent
3 excessive leaching of metal ions, and (4) adequate
4 containment or other measures will be provided to
5 protect surface water and groundwater from
6 contamination at levels prohibited by this Act, the
7 Illinois Groundwater Protection Act, or regulations
8 adopted pursuant thereto.

9 Notwithstanding any other provision of this Title, the
10 disposal of coal combustion waste pursuant to item (2) or (3)
11 of this subdivision (r) shall be exempt from the other
12 provisions of this Title V, and notwithstanding the provisions
13 of Title X of this Act, the Agency is authorized to grant
14 experimental permits which include provision for the disposal
15 of wastes from the combustion of coal and other materials
16 pursuant to items (2) and (3) of this subdivision (r).

17 (s) After April 1, 1989, offer for transportation,
18 transport, deliver, receive or accept special waste for which
19 a manifest is required, unless the manifest indicates that the
20 fee required under Section 22.8 of this Act has been paid.

21 (t) Cause or allow a lateral expansion of a municipal
22 solid waste landfill unit on or after October 9, 1993, without
23 a permit modification, granted by the Agency, that authorizes
24 the lateral expansion.

25 (u) Conduct any vegetable by-product treatment, storage,
26 disposal or transportation operation in violation of any

1 regulation, standards or permit requirements adopted by the
2 Board under this Act. However, no permit shall be required
3 under this Title V for the land application of vegetable
4 by-products conducted pursuant to Agency permit issued under
5 Title III of this Act to the generator of the vegetable
6 by-products. In addition, vegetable by-products may be
7 transported in this State without a special waste hauling
8 permit, and without the preparation and carrying of a
9 manifest.

10 (v) (Blank).

11 (w) Conduct any generation, transportation, or recycling
12 of construction or demolition debris, clean or general, or
13 uncontaminated soil generated during construction, remodeling,
14 repair, and demolition of utilities, structures, and roads
15 that is not commingled with any waste, without the maintenance
16 of documentation identifying the hauler, generator, place of
17 origin of the debris or soil, the weight or volume of the
18 debris or soil, and the location, owner, and operator of the
19 facility where the debris or soil was transferred, disposed,
20 recycled, or treated. This documentation must be maintained by
21 the generator, transporter, or recycler for 3 years. This
22 subsection (w) shall not apply to (1) a permitted pollution
23 control facility that transfers or accepts construction or
24 demolition debris, clean or general, or uncontaminated soil
25 for final disposal, recycling, or treatment, (2) a public
26 utility (as that term is defined in the Public Utilities Act)

1 or a municipal utility, (3) the Illinois Department of
2 Transportation, or (4) a municipality or a county highway
3 department, with the exception of any municipality or county
4 highway department located within a county having a population
5 of over 3,000,000 inhabitants or located in a county that is
6 contiguous to a county having a population of over 3,000,000
7 inhabitants; but it shall apply to an entity that contracts
8 with a public utility, a municipal utility, the Illinois
9 Department of Transportation, or a municipality or a county
10 highway department. The terms "generation" and "recycling", as
11 used in this subsection, do not apply to clean construction or
12 demolition debris when (i) used as fill material below grade
13 outside of a setback zone if covered by sufficient
14 uncontaminated soil to support vegetation within 30 days of
15 the completion of filling or if covered by a road or structure,
16 (ii) solely broken concrete without protruding metal bars is
17 used for erosion control, or (iii) milled asphalt or crushed
18 concrete is used as aggregate in construction of the shoulder
19 of a roadway. The terms "generation" and "recycling", as used
20 in this subsection, do not apply to uncontaminated soil that
21 is not commingled with any waste when (i) used as fill material
22 below grade or contoured to grade, or (ii) used at the site of
23 generation.

24 (y) Inject any carbon dioxide stream produced by a carbon
25 dioxide capture project into a Class II well, as defined by the
26 Board under this Act, or a Class VI well converted from a Class

1 II well, for purposes of enhanced oil or gas recovery,
2 including, but not limited to, the facilitation of enhanced
3 oil or gas recovery from another well.

4 (z) Sell or transport concentrated carbon dioxide stream
5 produced by a carbon dioxide capture project for use in
6 enhanced oil or gas recovery.

7 (aa) Operate a carbon sequestration activity in a manner
8 that causes, threatens, or allows the release of carbon
9 dioxide so as to tend to cause water pollution in this State.

10 (bb) Operate a wind energy conversion facility in a manner
11 that causes, threatens, or allows the release of oil,
12 lubricant, hydraulic fluid, transformer solvent, insulation
13 fluid, cleaning fluid, or any other similar fluid from the
14 wind energy conversion facility.

15 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
16 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-342, eff.
17 1-1-24; 103-651, eff. 7-18-24.)

18 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

19 Sec. 42. Civil penalties.

20 (a) Except as provided in this Section, any person that
21 violates any provision of this Act or any regulation adopted
22 by the Board, or any permit or term or condition thereof, or
23 that violates any order of the Board pursuant to this Act,
24 shall be liable for a civil penalty of not to exceed \$50,000
25 for the violation and an additional civil penalty of not to

1 exceed \$10,000 for each day during which the violation
2 continues; such penalties may, upon order of the Board or a
3 court of competent jurisdiction, be made payable to the
4 Environmental Protection Trust Fund, to be used in accordance
5 with the provisions of the Environmental Protection Trust Fund
6 Act.

7 (b) Notwithstanding the provisions of subsection (a) of
8 this Section:

9 (1) Any person that violates Section 12(f) of this Act
10 or any NPDES permit or term or condition thereof, or any
11 filing requirement, regulation or order relating to the
12 NPDES permit program, shall be liable to a civil penalty
13 of not to exceed \$10,000 per day of violation.

14 (2) Any person that violates Section 12(g) of this Act
15 or any UIC permit or term or condition thereof, or any
16 filing requirement, regulation or order relating to the
17 State UIC program for all wells, except Class II wells as
18 defined by the Board under this Act, shall be liable to a
19 civil penalty not to exceed \$2,500 per day of violation;
20 provided, however, that any person who commits such
21 violations relating to the State UIC program for Class II
22 wells, as defined by the Board under this Act, shall be
23 liable to a civil penalty of not to exceed \$10,000 for the
24 violation and an additional civil penalty of not to exceed
25 \$1,000 for each day during which the violation continues.

26 (3) Any person that violates Sections 21(f), 21(g),

1 21(h) or 21(i) of this Act, or any RCRA permit or term or
2 condition thereof, or any filing requirement, regulation
3 or order relating to the State RCRA program, shall be
4 liable to a civil penalty of not to exceed \$25,000 per day
5 of violation.

6 (4) In an administrative citation action under Section
7 31.1 of this Act, any person found to have violated any
8 provision of subsection (o) of Section 21 of this Act
9 shall pay a civil penalty of \$500 for each violation of
10 each such provision, plus any hearing costs incurred by
11 the Board and the Agency. Such penalties shall be made
12 payable to the Environmental Protection Trust Fund, to be
13 used in accordance with the provisions of the
14 Environmental Protection Trust Fund Act; except that if a
15 unit of local government issued the administrative
16 citation, 50% of the civil penalty shall be payable to the
17 unit of local government.

18 (4-5) In an administrative citation action under
19 Section 31.1 of this Act, any person found to have
20 violated any provision of subsection (p) of Section 21,
21 Section 22.38, Section 22.51, Section 22.51a, or
22 subsection (k) of Section 55 of this Act shall pay a civil
23 penalty of \$1,500 for each violation of each such
24 provision, plus any hearing costs incurred by the Board
25 and the Agency, except that the civil penalty amount shall
26 be \$3,000 for each violation of any provision of

1 subsection (p) of Section 21, Section 22.38, Section
2 22.51, Section 22.51a, or subsection (k) of Section 55
3 that is the person's second or subsequent adjudication
4 violation of that provision. The penalties shall be
5 deposited into the Environmental Protection Trust Fund, to
6 be used in accordance with the provisions of the
7 Environmental Protection Trust Fund Act; except that if a
8 unit of local government issued the administrative
9 citation, 50% of the civil penalty shall be payable to the
10 unit of local government.

11 (5) Any person who violates subsection 6 of Section
12 39.5 of this Act or any CAAPP permit, or term or condition
13 thereof, or any fee or filing requirement, or any duty to
14 allow or carry out inspection, entry or monitoring
15 activities, or any regulation or order relating to the
16 CAAPP shall be liable for a civil penalty not to exceed
17 \$10,000 per day of violation.

18 (6) Any owner or operator of a community water system
19 that violates subsection (b) of Section 18.1 or subsection
20 (a) of Section 25d-3 of this Act shall, for each day of
21 violation, be liable for a civil penalty not to exceed \$5
22 for each of the premises connected to the affected
23 community water system.

24 (7) Any person who violates Section 52.5 of this Act
25 shall be liable for a civil penalty of up to \$1,000 for the
26 first violation of that Section and a civil penalty of up

1 to \$2,500 for a second or subsequent violation of that
2 Section.

3 (8) Any person who violates subsection (bb) of Section
4 21 of this Act shall, for each day of violation, be liable
5 for a civil penalty of \$1,000 for every wind turbine in a
6 wind energy conversion facility operating in violation of
7 subsection (bb) of Section 21.

8 (b.5) In lieu of the penalties set forth in subsections
9 (a) and (b) of this Section, any person who fails to file, in a
10 timely manner, toxic chemical release forms with the Agency
11 pursuant to Section 25b-2 of this Act shall be liable for a
12 civil penalty of \$100 per day for each day the forms are late,
13 not to exceed a maximum total penalty of \$6,000. This daily
14 penalty shall begin accruing on the thirty-first day after the
15 date that the person receives the warning notice issued by the
16 Agency pursuant to Section 25b-6 of this Act; and the penalty
17 shall be paid to the Agency. The daily accrual of penalties
18 shall cease as of January 1 of the following year. All
19 penalties collected by the Agency pursuant to this subsection
20 shall be deposited into the Environmental Protection Permit
21 and Inspection Fund.

22 (c) Any person that violates this Act, any rule or
23 regulation adopted under this Act, any permit or term or
24 condition of a permit, or any Board order and causes the death
25 of fish or aquatic life shall, in addition to the other
26 penalties provided by this Act, be liable to pay to the State

1 an additional sum for the reasonable value of the fish or
2 aquatic life destroyed. Any money so recovered shall be placed
3 in the Wildlife and Fish Fund in the State Treasury.

4 (d) The penalties provided for in this Section may be
5 recovered in a civil action.

6 (e) The State's Attorney of the county in which the
7 violation occurred, or the Attorney General, may, at the
8 request of the Agency or on his own motion, institute a civil
9 action for an injunction, prohibitory or mandatory, to
10 restrain violations of this Act, any rule or regulation
11 adopted under this Act, any permit or term or condition of a
12 permit, or any Board order, or to require such other actions as
13 may be necessary to address violations of this Act, any rule or
14 regulation adopted under this Act, any permit or term or
15 condition of a permit, or any Board order.

16 (f) The State's Attorney of the county in which the
17 violation occurred, or the Attorney General, shall bring such
18 actions in the name of the people of the State of Illinois.
19 Without limiting any other authority which may exist for the
20 awarding of attorney's fees and costs, the Board or a court of
21 competent jurisdiction may award costs and reasonable
22 attorney's fees, including the reasonable costs of expert
23 witnesses and consultants, to the State's Attorney or the
24 Attorney General in a case where he has prevailed against a
25 person who has committed a willful, knowing, or repeated
26 violation of this Act, any rule or regulation adopted under

1 this Act, any permit or term or condition of a permit, or any
2 Board order.

3 Any funds collected under this subsection (f) in which the
4 Attorney General has prevailed shall be deposited in the
5 Hazardous Waste Fund created in Section 22.2 of this Act. Any
6 funds collected under this subsection (f) in which a State's
7 Attorney has prevailed shall be retained by the county in
8 which he serves.

9 (g) All final orders imposing civil penalties pursuant to
10 this Section shall prescribe the time for payment of such
11 penalties. If any such penalty is not paid within the time
12 prescribed, interest on such penalty at the rate set forth in
13 subsection (a) of Section 1003 of the Illinois Income Tax Act,
14 shall be paid for the period from the date payment is due until
15 the date payment is received. However, if the time for payment
16 is stayed during the pendency of an appeal, interest shall not
17 accrue during such stay.

18 (h) In determining the appropriate civil penalty to be
19 imposed under subdivisions (a), (b)(1), (b)(2), (b)(3),
20 (b)(5), (b)(6), ~~or~~ (b)(7), or (b)(8) of this Section, the
21 Board is authorized to consider any matters of record in
22 mitigation or aggravation of penalty, including, but not
23 limited to, the following factors:

24 (1) the duration and gravity of the violation;

25 (2) the presence or absence of due diligence on the
26 part of the respondent in attempting to comply with

1 requirements of this Act and regulations thereunder or to
2 secure relief therefrom as provided by this Act;

3 (3) any economic benefits accrued by the respondent
4 because of delay in compliance with requirements, in which
5 case the economic benefits shall be determined by the
6 lowest cost alternative for achieving compliance;

7 (4) the amount of monetary penalty which will serve to
8 deter further violations by the respondent and to
9 otherwise aid in enhancing voluntary compliance with this
10 Act by the respondent and other persons similarly subject
11 to the Act;

12 (5) the number, proximity in time, and gravity of
13 previously adjudicated violations of this Act by the
14 respondent;

15 (6) whether the respondent voluntarily self-disclosed,
16 in accordance with subsection (i) of this Section, the
17 non-compliance to the Agency;

18 (7) whether the respondent has agreed to undertake a
19 "supplemental environmental project", which means an
20 environmentally beneficial project that a respondent
21 agrees to undertake in settlement of an enforcement action
22 brought under this Act, but which the respondent is not
23 otherwise legally required to perform; and

24 (8) whether the respondent has successfully completed
25 a Compliance Commitment Agreement under subsection (a) of
26 Section 31 of this Act to remedy the violations that are

1 the subject of the complaint.

2 In determining the appropriate civil penalty to be imposed
3 under subsection (a) or paragraph (1), (2), (3), (5), (6), ~~or~~
4 (7), or (8) of subsection (b) of this Section, the Board shall
5 ensure, in all cases, that the penalty is at least as great as
6 the economic benefits, if any, accrued by the respondent as a
7 result of the violation, unless the Board finds that
8 imposition of such penalty would result in an arbitrary or
9 unreasonable financial hardship. However, such civil penalty
10 may be off-set in whole or in part pursuant to a supplemental
11 environmental project agreed to by the complainant and the
12 respondent.

13 (i) A person who voluntarily self-discloses non-compliance
14 to the Agency, of which the Agency had been unaware, is
15 entitled to a 100% reduction in the portion of the penalty that
16 is not based on the economic benefit of non-compliance if the
17 person can establish the following:

18 (1) that either the regulated entity is a small entity
19 or the non-compliance was discovered through an
20 environmental audit or a compliance management system
21 documented by the regulated entity as reflecting the
22 regulated entity's due diligence in preventing, detecting,
23 and correcting violations;

24 (2) that the non-compliance was disclosed in writing
25 within 30 days of the date on which the person discovered
26 it;

1 (3) that the non-compliance was discovered and
2 disclosed prior to:

3 (i) the commencement of an Agency inspection,
4 investigation, or request for information;

5 (ii) notice of a citizen suit;

6 (iii) the filing of a complaint by a citizen, the
7 Illinois Attorney General, or the State's Attorney of
8 the county in which the violation occurred;

9 (iv) the reporting of the non-compliance by an
10 employee of the person without that person's
11 knowledge; or

12 (v) imminent discovery of the non-compliance by
13 the Agency;

14 (4) that the non-compliance is being corrected and any
15 environmental harm is being remediated in a timely
16 fashion;

17 (5) that the person agrees to prevent a recurrence of
18 the non-compliance;

19 (6) that no related non-compliance events have
20 occurred in the past 3 years at the same facility or in the
21 past 5 years as part of a pattern at multiple facilities
22 owned or operated by the person;

23 (7) that the non-compliance did not result in serious
24 actual harm or present an imminent and substantial
25 endangerment to human health or the environment or violate
26 the specific terms of any judicial or administrative order

1 or consent agreement;

2 (8) that the person cooperates as reasonably requested
3 by the Agency after the disclosure; and

4 (9) that the non-compliance was identified voluntarily
5 and not through a monitoring, sampling, or auditing
6 procedure that is required by statute, rule, permit,
7 judicial or administrative order, or consent agreement.

8 If a person can establish all of the elements under this
9 subsection except the element set forth in paragraph (1) of
10 this subsection, the person is entitled to a 75% reduction in
11 the portion of the penalty that is not based upon the economic
12 benefit of non-compliance.

13 For the purposes of this subsection (i), "small entity"
14 has the same meaning as in Section 221 of the federal Small
15 Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C.
16 601).

17 (j) In addition to any other remedy or penalty that may
18 apply, whether civil or criminal, any person who violates
19 Section 22.52 of this Act shall be liable for an additional
20 civil penalty of up to 3 times the gross amount of any
21 pecuniary gain resulting from the violation.

22 (k) In addition to any other remedy or penalty that may
23 apply, whether civil or criminal, any person who violates
24 subdivision (a)(7.6) of Section 31 of this Act shall be liable
25 for an additional civil penalty of \$2,000.

26 (l) A person who promptly and voluntarily self-discloses

1 non-compliance with subsection (bb) of Section 21 of this Act
2 to the Agency, of which the Agency had been unaware, and who
3 promptly begins repairs and remediation to come into
4 compliance with subsection (bb) of Section 21 of this Act, is
5 entitled to a 100% reduction in the portion of the penalty
6 under this Section.

7 (Source: P.A. 102-310, eff. 8-6-21.)