**Section 858.103 Exemptions from Fee System**

a) The fee payment provisions set forth in Subpart D shall not apply to:

1) *Solid waste which is hazardous waste*;

2) *Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste; or*

3) *The following wastes*:

A) *Pollution control waste*;

B) *Wastes from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable;*

C) *Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency;* (Section 22.15(k) and Section 22.44(c) of the Act)

4) Wastes permanently disposed of at a sanitary landfill owned, controlled or operated by the person who generates the wastes;

5) Wastes permanently disposed of at a sanitary landfill located on the site where the wastes were produced.

b) The Agency shall grant exemptions from the fee payment provisions set forth in Subpart C in accordance with Sections 22.16, 22.16a, 22.45 and 22.46 of the Act. Claims for such exemptions must be supported by documentation substantiating that each of the statutory criteria for exemption has been met.

c) For purposes of this Section, a waste is a "pollution control waste" rather than an "industrial process waste" if it is a non-hazardous special waste resulting from operation of a pollution control device authorized or permitted pursuant to any state or federal law or any standards or regulations thereunder.

(Source: Amended at 31 Ill. Reg. 5081, effective March 14, 2007)