

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 adding Sections 22.59, 42, and 44 as follows:

6 (415 ILCS 5/22.59 new)

7 Sec. 22.59. Regulation of bisphenol A in business  
8 transaction paper.

9 (a) No person, firm, partnership, association, limited  
10 liability company, or corporation, including, but not limited  
11 to, a banking organization, shall distribute or use any paper  
12 containing bisphenol A for the making of business or banking  
13 records, including, but not limited to, records of receipts,  
14 credits, withdrawals, deposits, or credit or debit card  
15 transactions.

16 (b) No paper manufacturer shall produce or distribute a  
17 paper if its use or distribution is prohibited under subsection  
18 (a) of this Section.

19 (c) The manufacturer of a paper whose distribution or use  
20 is prohibited under subsection (a) of this Section shall:

21 (1) not replace bisphenol A with another chemical  
22 compound that has been scientifically established to be a  
23 known human carcinogen (as classified by the United States

1 Environmental Protection Agency), a developmental toxin,  
2 an endocrine disruptor, or a reproductive toxin;

3 (2) use the least toxic alternative chemical compound  
4 to replace bisphenol A;

5 (3) provide the Agency with information on the chemical  
6 compound used to replace bisphenol A; and

7 (4) not manufacture the paper until the Agency has  
8 certified alternative chemical compounds to bisphenol A  
9 based upon the recommendations of the Advisory Committee on  
10 Least Toxic Alternatives to Bisphenol A.

11 (d) The Agency shall certify that any chemical compound  
12 used to replace bisphenol A in the manufacture of paper  
13 pursuant to subsection (c) of this Section is:

14 (1) the least toxic alternative available; and

15 (2) not a known human carcinogen, as classified by the  
16 United States Environmental Protection Agency, a  
17 developmental toxin, an endocrine disruptor, or a  
18 reproductive toxin.

19 (e) Not less than once every calendar year, the Agency  
20 shall update the requirements for certification of least toxic  
21 alternatives to bisphenol A and provide that information to  
22 paper manufacturers subject to the provisions of subsection (c)  
23 of this Section. Furthermore, the Agency shall annually update  
24 its information on those chemical compounds that are known  
25 human carcinogens, developmental toxins, endocrine disrupters,  
26 or reproductive toxins, and it shall provide such information

1 to paper manufacturers subject to the provisions of subsection  
2 (c) of this Section. The Agency shall make all information  
3 compiled pursuant to subsections (d) and (e) available to the  
4 public on the Agency's website.

5 (f) The Agency shall investigate and determine acceptable  
6 methods of disposal and recycling of business transaction paper  
7 containing bisphenol A so as to eliminate or minimize exposure  
8 to bisphenol A. The Agency shall provide public notice of best  
9 practices for handling and disposing of that paper.

10 (g) Within 60 days after the effective date of this  
11 Section, the Agency shall convene an Advisory Committee on  
12 Least Toxic Alternatives to Bisphenol A composed of an advisory  
13 panel of experts for the purpose of advising the Agency on  
14 least toxic alternatives to bisphenol A. The names of the  
15 members of this Advisory Committee shall be available on the  
16 Agency's website.

17 (h) The members of the Advisory Committee shall be  
18 appointed by the Director and shall be competent, independent  
19 scientists who have no current or past employment or financial  
20 conflicts of interest with manufacturers of bisphenol A or  
21 products containing bisphenol A.

22 (i) Advisory Committee members shall have substantial  
23 experience in evaluating toxicological and epidemiological  
24 data on toxic chemicals, including their potential  
25 carcinogenic, endocrine disruptive, reproductive,  
26 developmental, or neurological effects. Chemicals considered

1 to be toxic shall be those likely to cause or contribute to  
2 acute illness or chronic impacts negatively altering human  
3 biological functions or ability to respond to environmental  
4 threats.

5 (j) The Advisory Committee shall be convened within 60 days  
6 after the effective date of this Section and at such times as  
7 the Agency seeks further recommendations or clarifications of  
8 current data.

9 (k) If the United States Environmental Protection Agency  
10 has not identified a safe, commercially available alternative  
11 to the use of bisphenol A in business transactions and banking  
12 paper on or before the effective date of this Section, then the  
13 prohibitions in subsections (a) and (b) of this Section shall  
14 not become applicable until 2 years after the effective date of  
15 this Section.

16 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

17 Sec. 42. Civil penalties.

18 (a) Except as provided in this Section, any person that  
19 violates any provision of this Act or any regulation adopted by  
20 the Board, or any permit or term or condition thereof, or that  
21 violates any order of the Board pursuant to this Act, shall be  
22 liable for a civil penalty of not to exceed \$50,000 for the  
23 violation and an additional civil penalty of not to exceed  
24 \$10,000 for each day during which the violation continues; such  
25 penalties may, upon order of the Board or a court of competent

1 jurisdiction, be made payable to the Environmental Protection  
2 Trust Fund, to be used in accordance with the provisions of the  
3 Environmental Protection Trust Fund Act.

4 (b) Notwithstanding the provisions of subsection (a) of  
5 this Section:

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

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

23 (3) Any person that violates Sections 21(f), 21(g),  
24 21(h) or 21(i) of this Act, or any RCRA permit or term or  
25 condition thereof, or any filing requirement, regulation  
26 or order relating to the State RCRA program, shall be

1           liable to a civil penalty of not to exceed \$25,000 per day  
2           of violation.

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

15          (4-5) In an administrative citation action under  
16          Section 31.1 of this Act, any person found to have violated  
17          any provision of subsection (p) of Section 21, Section  
18          22.51, Section 22.51a, or subsection (k) of Section 55 of  
19          this Act shall pay a civil penalty of \$1,500 for each  
20          violation of each such provision, plus any hearing costs  
21          incurred by the Board and the Agency, except that the civil  
22          penalty amount shall be \$3,000 for each violation of any  
23          provision of subsection (p) of Section 21, Section 22.51,  
24          Section 22.51a, or subsection (k) of Section 55 that is the  
25          person's second or subsequent adjudication violation of  
26          that provision. The penalties shall be deposited into the

1 Environmental Protection Trust Fund, to be used in  
2 accordance with the provisions of the Environmental  
3 Protection Trust Fund Act; except that if a unit of local  
4 government issued the administrative citation, 50% of the  
5 civil penalty shall be payable to the unit of local  
6 government.

7 (5) Any person who violates subsection 6 of Section  
8 39.5 of this Act or any CAAPP permit, or term or condition  
9 thereof, or any fee or filing requirement, or any duty to  
10 allow or carry out inspection, entry or monitoring  
11 activities, or any regulation or order relating to the  
12 CAAPP shall be liable for a civil penalty not to exceed  
13 \$10,000 per day of violation.

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

20 (7) Any person who violates Section 52.5 of this Act  
21 shall be liable for a civil penalty of up to \$1,000 for the  
22 first violation of that Section and a civil penalty of up  
23 to \$2,500 for a second or subsequent violation of that  
24 Section.

25 (8) Any person, firm, partnership, association,  
26 limited liability company, or corporation that violates

1 subsection (a) of Section 22.59 shall, for each day of  
2 violation, be liable for a civil penalty of not less than  
3 \$50 and not more than \$200.

4 (9) Any paper manufacturer who violates subsection (b)  
5 or (c) of Section 22.59 shall, for each day of violation,  
6 be liable for a civil penalty of not less than \$50 and not  
7 more than \$200.

8 (b.5) In lieu of the penalties set forth in subsections (a)  
9 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 and  
21 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 restrain  
10 violations of this Act, any rule or regulation adopted under  
11 this Act, any permit or term or condition of a permit, or any  
12 Board order, or to require such other actions as may be  
13 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 which  
8 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) of this Section, the Board is  
21 authorized to consider any matters of record in mitigation or  
22 aggravation of penalty, including, but not limited to, the  
23 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 otherwise  
9 aid in enhancing voluntary compliance with this Act by the  
10 respondent and other persons similarly subject to the Act;

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

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

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

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

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

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

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

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

25           (3) that the non-compliance was discovered and  
26 disclosed prior to:

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

3 (ii) notice of a citizen suit;

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

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

10 (v) imminent discovery of the non-compliance by  
11 the Agency;

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

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

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

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

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

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

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

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

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

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

23          (Source: P.A. 99-934, eff. 1-27-17; 100-436, eff. 8-25-17;  
24          100-863, eff. 8-14-18.)

25                   (415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)

1           Sec. 44. Criminal acts; penalties.

2           (a) Except as otherwise provided in this Section, it shall  
3 be a Class A misdemeanor to violate this Act or regulations  
4 thereunder, or any permit or term or condition thereof, or  
5 knowingly to submit any false information under this Act or  
6 regulations adopted thereunder, or under any permit or term or  
7 condition thereof. A court may, in addition to any other  
8 penalty herein imposed, order a person convicted of any  
9 violation of this Act to perform community service for not less  
10 than 100 hours and not more than 300 hours if community service  
11 is available in the jurisdiction. It shall be the duty of all  
12 State and local law-enforcement officers to enforce such Act  
13 and regulations, and all such officers shall have authority to  
14 issue citations for such violations.

15           (b) Calculated Criminal Disposal of Hazardous Waste.

16           (1) A person commits the offense of Calculated Criminal  
17 Disposal of Hazardous Waste when, without lawful  
18 justification, he knowingly disposes of hazardous waste  
19 while knowing that he thereby places another person in  
20 danger of great bodily harm or creates an immediate or  
21 long-term danger to the public health or the environment.

22           (2) Calculated Criminal Disposal of Hazardous Waste is  
23 a Class 2 felony. In addition to any other penalties  
24 prescribed by law, a person convicted of the offense of  
25 Calculated Criminal Disposal of Hazardous Waste is subject  
26 to a fine not to exceed \$500,000 for each day of such

1 offense.

2 (c) Criminal Disposal of Hazardous Waste.

3 (1) A person commits the offense of Criminal Disposal  
4 of Hazardous Waste when, without lawful justification, he  
5 knowingly disposes of hazardous waste.

6 (2) Criminal Disposal of Hazardous Waste is a Class 3  
7 felony. In addition to any other penalties prescribed by  
8 law, a person convicted of the offense of Criminal Disposal  
9 of Hazardous Waste is subject to a fine not to exceed  
10 \$250,000 for each day of such offense.

11 (d) Unauthorized Use of Hazardous Waste.

12 (1) A person commits the offense of Unauthorized Use of  
13 Hazardous Waste when he, being required to have a permit,  
14 registration, or license under this Act or any other law  
15 regulating the treatment, transportation, or storage of  
16 hazardous waste, knowingly:

17 (A) treats, transports, or stores any hazardous  
18 waste without such permit, registration, or license;

19 (B) treats, transports, or stores any hazardous  
20 waste in violation of the terms and conditions of such  
21 permit or license;

22 (C) transports any hazardous waste to a facility  
23 which does not have a permit or license required under  
24 this Act; or

25 (D) transports by vehicle any hazardous waste  
26 without having in each vehicle credentials issued to



1           the transporter by the transporter's base state  
2           pursuant to procedures established under the Uniform  
3           Program.

4           (2) A person who is convicted of a violation of  
5           subparagraph (A), (B), or (C) of paragraph (1) of this  
6           subsection is guilty of a Class 4 felony. A person who is  
7           convicted of a violation of subparagraph (D) of paragraph  
8           (1) of this subsection is guilty of a Class A misdemeanor.  
9           In addition to any other penalties prescribed by law, a  
10          person convicted of violating subparagraph (A), (B), or (C)  
11          of paragraph (1) of this subsection is subject to a fine  
12          not to exceed \$100,000 for each day of such violation, and  
13          a person who is convicted of violating subparagraph (D) of  
14          paragraph (1) of this subsection is subject to a fine not  
15          to exceed \$1,000.

16          (e) Unlawful Delivery of Hazardous Waste.

17           (1) Except as authorized by this Act or the federal  
18          Resource Conservation and Recovery Act, and the  
19          regulations promulgated thereunder, it is unlawful for any  
20          person to knowingly deliver hazardous waste.

21           (2) Unlawful Delivery of Hazardous Waste is a Class 3  
22          felony. In addition to any other penalties prescribed by  
23          law, a person convicted of the offense of Unlawful Delivery  
24          of Hazardous Waste is subject to a fine not to exceed  
25          \$250,000 for each such violation.

26           (3) For purposes of this Section, "deliver" or

1 "delivery" means the actual, constructive, or attempted  
2 transfer of possession of hazardous waste, with or without  
3 consideration, whether or not there is an agency  
4 relationship.

5 (f) Reckless Disposal of Hazardous Waste.

6 (1) A person commits Reckless Disposal of Hazardous  
7 Waste if he disposes of hazardous waste, and his acts which  
8 cause the hazardous waste to be disposed of, whether or not  
9 those acts are undertaken pursuant to or under color of any  
10 permit or license, are performed with a conscious disregard  
11 of a substantial and unjustifiable risk that such disposing  
12 of hazardous waste is a gross deviation from the standard  
13 of care which a reasonable person would exercise in the  
14 situation.

15 (2) Reckless Disposal of Hazardous Waste is a Class 4  
16 felony. In addition to any other penalties prescribed by  
17 law, a person convicted of the offense of Reckless Disposal  
18 of Hazardous Waste is subject to a fine not to exceed  
19 \$50,000 for each day of such offense.

20 (g) Concealment of Criminal Disposal of Hazardous Waste.

21 (1) A person commits the offense of Concealment of  
22 Criminal Disposal of Hazardous Waste when he conceals,  
23 without lawful justification, the disposal of hazardous  
24 waste with the knowledge that such hazardous waste has been  
25 disposed of in violation of this Act.

26 (2) Concealment of Criminal Disposal of a Hazardous

1 Waste is a Class 4 felony. In addition to any other  
2 penalties prescribed by law, a person convicted of the  
3 offense of Concealment of Criminal Disposal of Hazardous  
4 Waste is subject to a fine not to exceed \$50,000 for each  
5 day of such offense.

6 (h) Violations; False Statements.

7 (1) Any person who knowingly makes a false material  
8 statement in an application for a permit or license  
9 required by this Act to treat, transport, store, or dispose  
10 of hazardous waste commits the offense of perjury and shall  
11 be subject to the penalties set forth in Section 32-2 of  
12 the Criminal Code of 2012.

13 (2) Any person who knowingly makes a false material  
14 statement or representation in any label, manifest,  
15 record, report, permit or license, or other document filed,  
16 maintained, or used for the purpose of compliance with this  
17 Act in connection with the generation, disposal,  
18 treatment, storage, or transportation of hazardous waste  
19 commits a Class 4 felony. A second or any subsequent  
20 offense after conviction hereunder is a Class 3 felony.

21 (3) Any person who knowingly destroys, alters, or  
22 conceals any record required to be made by this Act in  
23 connection with the disposal, treatment, storage, or  
24 transportation of hazardous waste commits a Class 4 felony.  
25 A second or any subsequent offense after a conviction  
26 hereunder is a Class 3 felony.

1           (4) Any person who knowingly makes a false material  
2 statement or representation in any application, bill,  
3 invoice, or other document filed, maintained, or used for  
4 the purpose of receiving money from the Underground Storage  
5 Tank Fund commits a Class 4 felony. A second or any  
6 subsequent offense after conviction hereunder is a Class 3  
7 felony.

8           (4.5) Any person who knowingly makes a false material  
9 statement or representation in any label, manifest,  
10 record, report, permit or license, or other document filed,  
11 maintained, or used for the purpose of compliance with  
12 Title XVI of this Act commits a Class 4 felony. Any second  
13 or subsequent offense after conviction hereunder is a Class  
14 3 felony.

15           (5) Any person who knowingly destroys, alters, or  
16 conceals any record required to be made or maintained by  
17 this Act or required to be made or maintained by Board or  
18 Agency rules for the purpose of receiving money from the  
19 Underground Storage Tank Fund commits a Class 4 felony. A  
20 second or any subsequent offense after a conviction  
21 hereunder is a Class 3 felony.

22           (6) A person who knowingly and falsely certifies under  
23 Section 22.48 that an industrial process waste or pollution  
24 control waste is not special waste commits a Class 4 felony  
25 for a first offense and commits a Class 3 felony for a  
26 second or subsequent offense.

1           (7) In addition to any other penalties prescribed by  
2 law, a person convicted of violating this subsection (h) is  
3 subject to a fine not to exceed \$50,000 for each day of  
4 such violation.

5           (8) Any person who knowingly makes a false, fictitious,  
6 or fraudulent material statement, orally or in writing, to  
7 the Agency, or to a unit of local government to which the  
8 Agency has delegated authority under subsection (r) of  
9 Section 4 of this Act, related to or required by this Act,  
10 a regulation adopted under this Act, any federal law or  
11 regulation for which the Agency has responsibility, or any  
12 permit, term, or condition thereof, commits a Class 4  
13 felony, and each such statement or writing shall be  
14 considered a separate Class 4 felony. A person who, after  
15 being convicted under this paragraph (8), violates this  
16 paragraph (8) a second or subsequent time, commits a Class  
17 3 felony.

18           (i) Verification.

19           (1) Each application for a permit or license to dispose  
20 of, transport, treat, store, or generate hazardous waste  
21 under this Act shall contain an affirmation that the facts  
22 are true and are made under penalty of perjury as defined  
23 in Section 32-2 of the Criminal Code of 2012. It is perjury  
24 for a person to sign any such application for a permit or  
25 license which contains a false material statement, which he  
26 does not believe to be true.

1           (2) Each request for money from the Underground Storage  
2 Tank Fund shall contain an affirmation that the facts are  
3 true and are made under penalty of perjury as defined in  
4 Section 32-2 of the Criminal Code of 2012. It is perjury  
5 for a person to sign any request that contains a false  
6 material statement that he does not believe to be true.

7           (j) Violations of Other Provisions.

8           (1) It is unlawful for a person knowingly to violate:

9                   (A) subsection (f) of Section 12 of this Act;

10                   (B) subsection (g) of Section 12 of this Act;

11                   (C) any term or condition of any Underground  
12 Injection Control (UIC) permit;

13                   (D) any filing requirement, regulation, or order  
14 relating to the State Underground Injection Control  
15 (UIC) program;

16                   (E) any provision of any regulation, standard, or  
17 filing requirement under subsection (b) of Section 13  
18 of this Act;

19                   (F) any provision of any regulation, standard, or  
20 filing requirement under subsection (b) of Section 39  
21 of this Act;

22                   (G) any National Pollutant Discharge Elimination  
23 System (NPDES) permit issued under this Act or any term  
24 or condition of such permit;

25                   (H) subsection (h) of Section 12 of this Act;

26                   (I) subsection 6 of Section 39.5 of this Act;

1 (J) any provision of any regulation, standard or  
2 filing requirement under Section 39.5 of this Act;

3 (K) a provision of the Procedures for Asbestos  
4 Emission Control in subsection (c) of Section 61.145 of  
5 Title 40 of the Code of Federal Regulations; or

6 (L) the standard for waste disposal for  
7 manufacturing, fabricating, demolition, renovation,  
8 and spraying operations in Section 61.150 of Title 40  
9 of the Code of Federal Regulations.

10 (2) A person convicted of a violation of subdivision  
11 (1) of this subsection commits a Class 4 felony, and in  
12 addition to any other penalty prescribed by law is subject  
13 to a fine not to exceed \$25,000 for each day of such  
14 violation.

15 (3) A person who negligently violates the following  
16 shall be subject to a fine not to exceed \$10,000 for each  
17 day of such violation:

18 (A) subsection (f) of Section 12 of this Act;

19 (B) subsection (g) of Section 12 of this Act;

20 (C) any provision of any regulation, standard, or  
21 filing requirement under subsection (b) of Section 13  
22 of this Act;

23 (D) any provision of any regulation, standard, or  
24 filing requirement under subsection (b) of Section 39  
25 of this Act;

26 (E) any National Pollutant Discharge Elimination

1           System (NPDES) permit issued under this Act;

2                   (F) subsection 6 of Section 39.5 of this Act; or

3                   (G) any provision of any regulation, standard, or

4           filing requirement under Section 39.5 of this Act.

5           (4) It is unlawful for a person knowingly to:

6                   (A) make any false statement, representation, or

7                   certification in an application form, or form

8                   pertaining to, a National Pollutant Discharge

9                   Elimination System (NPDES) permit;

10                   (B) render inaccurate any monitoring device or

11                   record required by the Agency or Board in connection

12                   with any such permit or with any discharge which is

13                   subject to the provisions of subsection (f) of Section

14                   12 of this Act;

15                   (C) make any false statement, representation, or

16                   certification in any form, notice, or report

17                   pertaining to a CAAPP permit under Section 39.5 of this

18                   Act;

19                   (D) render inaccurate any monitoring device or

20                   record required by the Agency or Board in connection

21                   with any CAAPP permit or with any emission which is

22                   subject to the provisions of Section 39.5 of this Act;

23                   or

24                   (E) violate subsection 6 of Section 39.5 of this

25                   Act or any CAAPP permit, or term or condition thereof,

26                   or any fee or filing requirement.



1           (5) A person convicted of a violation of paragraph (4)  
2           of this subsection commits a Class A misdemeanor, and in  
3           addition to any other penalties provided by law is subject  
4           to a fine not to exceed \$10,000 for each day of violation.

5           (k) Criminal operation of a hazardous waste or PCB  
6           incinerator.

7           (1) A person commits the offense of criminal operation  
8           of a hazardous waste or PCB incinerator when, in the course  
9           of operating a hazardous waste or PCB incinerator, he  
10          knowingly and without justification operates the  
11          incinerator (i) without an Agency permit, or in knowing  
12          violation of the terms of an Agency permit, and (ii) as a  
13          result of such violation, knowingly places any person in  
14          danger of great bodily harm or knowingly creates an  
15          immediate or long term material danger to the public health  
16          or the environment.

17          (2) Any person who commits the offense of criminal  
18          operation of a hazardous waste or PCB incinerator for the  
19          first time commits a Class 4 felony and, in addition to any  
20          other penalties prescribed by law, shall be subject to a  
21          fine not to exceed \$100,000 for each day of the offense.

22          Any person who commits the offense of criminal  
23          operation of a hazardous waste or PCB incinerator for a  
24          second or subsequent time commits a Class 3 felony and, in  
25          addition to any other penalties prescribed by law, shall be  
26          subject to a fine not to exceed \$250,000 for each day of

1 the offense.

2 (3) For the purpose of this subsection (k), the term  
3 "hazardous waste or PCB incinerator" means a pollution  
4 control facility at which either hazardous waste or PCBs,  
5 or both, are incinerated. "PCBs" means any substance or  
6 mixture of substances that contains one or more  
7 polychlorinated biphenyls in detectable amounts.

8 (l) It shall be the duty of all State and local law  
9 enforcement officers to enforce this Act and the regulations  
10 adopted hereunder, and all such officers shall have authority  
11 to issue citations for such violations.

12 (m) Any action brought under this Section shall be brought  
13 by the State's Attorney of the county in which the violation  
14 occurred, or by the Attorney General, and shall be conducted in  
15 accordance with the applicable provisions of the Code of  
16 Criminal Procedure of 1963.

17 (n) For an offense described in this Section, the period  
18 for commencing prosecution prescribed by the statute of  
19 limitations shall not begin to run until the offense is  
20 discovered by or reported to a State or local agency having the  
21 authority to investigate violations of this Act.

22 (o) In addition to any other penalties provided under this  
23 Act, if a person is convicted of (or agrees to a settlement in  
24 an enforcement action over) illegal dumping of waste on the  
25 person's own property, the Attorney General, the Agency, or  
26 local prosecuting authority shall file notice of the

1 conviction, finding, or agreement in the office of the Recorder  
2 in the county in which the landowner lives.

3 (p) Criminal Disposal of Waste.

4 (1) A person commits the offense of Criminal Disposal  
5 of Waste when he or she:

6 (A) if required to have a permit under subsection  
7 (d) of Section 21 of this Act, knowingly conducts a  
8 waste-storage, waste-treatment, or waste-disposal  
9 operation in a quantity that exceeds 250 cubic feet of  
10 waste without a permit; or

11 (B) knowingly conducts open dumping of waste in  
12 violation of subsection (a) of Section 21 of this Act.

13 (2) (A) A person who is convicted of a violation of  
14 subparagraph (A) of paragraph (1) of this subsection is  
15 guilty of a Class 4 felony for a first offense and, in  
16 addition to any other penalties provided by law, is subject  
17 to a fine not to exceed \$25,000 for each day of violation.  
18 A person who is convicted of a violation of subparagraph  
19 (A) of paragraph (1) of this subsection is guilty of a  
20 Class 3 felony for a second or subsequent offense and, in  
21 addition to any other penalties provided by law, is subject  
22 to a fine not to exceed \$50,000 for each day of violation.

23 (B) A person who is convicted of a violation of  
24 subparagraph (B) of paragraph (1) of this subsection is  
25 guilty of a Class A misdemeanor. However, a person who  
26 is convicted of a violation of subparagraph (B) of

1 paragraph (1) of this subsection for the open dumping  
2 of waste in a quantity that exceeds 250 cubic feet or  
3 that exceeds 50 waste tires is guilty of a Class 4  
4 felony and, in addition to any other penalties provided  
5 by law, is subject to a fine not to exceed \$25,000 for  
6 each day of violation.

7 (q) Criminal Damage to a Public Water Supply.

8 (1) A person commits the offense of Criminal Damage to  
9 a Public Water Supply when, without lawful justification,  
10 he knowingly alters, damages, or otherwise tampers with the  
11 equipment or property of a public water supply, or  
12 knowingly introduces a contaminant into the distribution  
13 system of a public water supply so as to cause, threaten,  
14 or allow the distribution of water from any public water  
15 supply of such quality or quantity as to be injurious to  
16 human health or the environment.

17 (2) Criminal Damage to a Public Water Supply is a Class  
18 4 felony. In addition to any other penalties prescribed by  
19 law, a person convicted of the offense of Criminal Damage  
20 to a Public Water Supply is subject to a fine not to exceed  
21 \$250,000 for each day of such offense.

22 (r) Aggravated Criminal Damage to a Public Water Supply.

23 (1) A person commits the offense of Aggravated Criminal  
24 Damage to a Public Water Supply when, without lawful  
25 justification, he commits Criminal Damage to a Public Water  
26 Supply while knowing that he thereby places another person

1 in danger of serious illness or great bodily harm, or  
2 creates an immediate or long-term danger to public health  
3 or the environment.

4 (2) Aggravated Criminal Damage to a Public Water Supply  
5 is a Class 2 felony. In addition to any other penalties  
6 prescribed by law, a person convicted of the offense of  
7 Aggravated Criminal Damage to a Public Water Supply is  
8 subject to a fine not to exceed \$500,000 for each day of  
9 such offense.

10 (s) The provisions of this Section do not apply to  
11 violations of Section 22.59 of this Act.

12 (Source: P.A. 97-220, eff. 7-28-11; 97-286, eff. 8-10-11;  
13 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13; 98-822, eff.  
14 8-1-14.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.