



Sen. Michael E. Hastings

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10200SB1089sam001

LRB102 04912 CPF 25235 a

1 AMENDMENT TO SENATE BILL 1089

2 AMENDMENT NO. _____. Amend Senate Bill 1089 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Sections 22.15, 22.38, and 22.44 as follows:

6 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

7 Sec. 22.15. Solid Waste Management Fund; fees.

8 (a) There is hereby created within the State Treasury a
9 special fund to be known as the Solid Waste Management Fund, to
10 be constituted from the fees collected by the State pursuant
11 to this Section, from repayments of loans made from the Fund
12 for solid waste projects, from registration fees collected
13 pursuant to the Consumer Electronics Recycling Act, and from
14 amounts transferred into the Fund pursuant to Public Act
15 100-433. Moneys received by the Department of Commerce and
16 Economic Opportunity in repayment of loans made pursuant to

1 the Illinois Solid Waste Management Act shall be deposited
2 into the General Revenue Fund.

3 (b) The Agency shall assess and collect a fee in the amount
4 set forth herein from the owner or operator of each sanitary
5 landfill permitted or required to be permitted by the Agency
6 to dispose of solid waste if the sanitary landfill is located
7 off the site where such waste was produced and if such sanitary
8 landfill is owned, controlled, and operated by a person other
9 than the generator of such waste. The Agency shall deposit all
10 fees collected into the Solid Waste Management Fund. If a site
11 is contiguous to one or more landfills owned or operated by the
12 same person, the volumes permanently disposed of by each
13 landfill shall be combined for purposes of determining the fee
14 under this subsection. Beginning on July 1, 2018, and on the
15 first day of each month thereafter during fiscal years 2019
16 through 2021, the State Comptroller shall direct and State
17 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
18 per fiscal year from the Solid Waste Management Fund to the
19 General Revenue Fund.

20 (1) If more than 150,000 cubic yards of non-hazardous
21 solid waste is permanently disposed of at a site in a
22 calendar year, the owner or operator shall either pay a
23 fee of 95 cents per cubic yard or, alternatively, the
24 owner or operator may weigh the quantity of the solid
25 waste permanently disposed of with a device for which
26 certification has been obtained under the Weights and

1 Measures Act and pay a fee of \$2.00 per ton of solid waste
2 permanently disposed of. In no case shall the fee
3 collected or paid by the owner or operator under this
4 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

5 (2) If more than 100,000 cubic yards but not more than
6 150,000 cubic yards of non-hazardous waste is permanently
7 disposed of at a site in a calendar year, the owner or
8 operator shall pay a fee of \$52,630.

9 (3) If more than 50,000 cubic yards but not more than
10 100,000 cubic yards of non-hazardous solid waste is
11 permanently disposed of at a site in a calendar year, the
12 owner or operator shall pay a fee of \$23,790.

13 (4) If more than 10,000 cubic yards but not more than
14 50,000 cubic yards of non-hazardous solid waste is
15 permanently disposed of at a site in a calendar year, the
16 owner or operator shall pay a fee of \$7,260.

17 (5) If not more than 10,000 cubic yards of
18 non-hazardous solid waste is permanently disposed of at a
19 site in a calendar year, the owner or operator shall pay a
20 fee of \$1050.

21 (c) (Blank).

22 (d) The Agency shall establish rules relating to the
23 collection of the fees authorized by this Section. Such rules
24 shall include, but not be limited to:

25 (1) necessary records identifying the quantities of
26 solid waste received or disposed;

1 (2) the form and submission of reports to accompany
2 the payment of fees to the Agency;

3 (3) the time and manner of payment of fees to the
4 Agency, which payments shall not be more often than
5 quarterly; and

6 (4) procedures setting forth criteria establishing
7 when an owner or operator may measure by weight or volume
8 during any given quarter or other fee payment period.

9 (e) Pursuant to appropriation, all monies in the Solid
10 Waste Management Fund shall be used by the Agency and the
11 Department of Commerce and Economic Opportunity for the
12 purposes set forth in this Section and in the Illinois Solid
13 Waste Management Act, including for the costs of fee
14 collection and administration, and for the administration of
15 (1) the Consumer Electronics Recycling Act and (2) until
16 January 1, 2020, the Electronic Products Recycling and Reuse
17 Act.

18 (f) The Agency is authorized to enter into such agreements
19 and to promulgate such rules as are necessary to carry out its
20 duties under this Section and the Illinois Solid Waste
21 Management Act.

22 (g) On the first day of January, April, July, and October
23 of each year, beginning on July 1, 1996, the State Comptroller
24 and Treasurer shall transfer \$500,000 from the Solid Waste
25 Management Fund to the Hazardous Waste Fund. Moneys
26 transferred under this subsection (g) shall be used only for

1 the purposes set forth in item (1) of subsection (d) of Section
2 22.2.

3 (h) The Agency is authorized to provide financial
4 assistance to units of local government for the performance of
5 inspecting, investigating and enforcement activities pursuant
6 to Section 4(r) at nonhazardous solid waste disposal sites.

7 (i) The Agency is authorized to conduct household waste
8 collection and disposal programs.

9 (j) A unit of local government, as defined in the Local
10 Solid Waste Disposal Act, in which a solid waste disposal
11 facility is located may establish a fee, tax, or surcharge
12 with regard to the permanent disposal of solid waste. All
13 fees, taxes, and surcharges collected under this subsection
14 shall be utilized for solid waste management purposes,
15 including long-term monitoring and maintenance of landfills,
16 planning, implementation, inspection, enforcement and other
17 activities consistent with the Solid Waste Management Act and
18 the Local Solid Waste Disposal Act, or for any other
19 environment-related purpose, including but not limited to an
20 environment-related public works project, but not for the
21 construction of a new pollution control facility other than a
22 household hazardous waste facility. However, the total fee,
23 tax or surcharge imposed by all units of local government
24 under this subsection (j) upon the solid waste disposal
25 facility shall not exceed:

26 (1) 60¢ per cubic yard if more than 150,000 cubic

1 yards of non-hazardous solid waste is permanently disposed
2 of at the site in a calendar year, unless the owner or
3 operator weighs the quantity of the solid waste received
4 with a device for which certification has been obtained
5 under the Weights and Measures Act, in which case the fee
6 shall not exceed \$1.27 per ton of solid waste permanently
7 disposed of.

8 (2) \$33,350 if more than 100,000 cubic yards, but not
9 more than 150,000 cubic yards, of non-hazardous waste is
10 permanently disposed of at the site in a calendar year.

11 (3) \$15,500 if more than 50,000 cubic yards, but not
12 more than 100,000 cubic yards, of non-hazardous solid
13 waste is permanently disposed of at the site in a calendar
14 year.

15 (4) \$4,650 if more than 10,000 cubic yards, but not
16 more than 50,000 cubic yards, of non-hazardous solid waste
17 is permanently disposed of at the site in a calendar year.

18 (5) \$650 if not more than 10,000 cubic yards of
19 non-hazardous solid waste is permanently disposed of at
20 the site in a calendar year.

21 The corporate authorities of the unit of local government
22 may use proceeds from the fee, tax, or surcharge to reimburse a
23 highway commissioner whose road district lies wholly or
24 partially within the corporate limits of the unit of local
25 government for expenses incurred in the removal of
26 nonhazardous, nonfluid municipal waste that has been dumped on

1 public property in violation of a State law or local
2 ordinance.

3 A county or Municipal Joint Action Agency that imposes a
4 fee, tax, or surcharge under this subsection may use the
5 proceeds thereof to reimburse a municipality that lies wholly
6 or partially within its boundaries for expenses incurred in
7 the removal of nonhazardous, nonfluid municipal waste that has
8 been dumped on public property in violation of a State law or
9 local ordinance.

10 If the fees are to be used to conduct a local sanitary
11 landfill inspection or enforcement program, the unit of local
12 government must enter into a written delegation agreement with
13 the Agency pursuant to subsection (r) of Section 4. The unit of
14 local government and the Agency shall enter into such a
15 written delegation agreement within 60 days after the
16 establishment of such fees. At least annually, the Agency
17 shall conduct an audit of the expenditures made by units of
18 local government from the funds granted by the Agency to the
19 units of local government for purposes of local sanitary
20 landfill inspection and enforcement programs, to ensure that
21 the funds have been expended for the prescribed purposes under
22 the grant.

23 The fees, taxes or surcharges collected under this
24 subsection (j) shall be placed by the unit of local government
25 in a separate fund, and the interest received on the moneys in
26 the fund shall be credited to the fund. The monies in the fund

1 may be accumulated over a period of years to be expended in
2 accordance with this subsection.

3 A unit of local government, as defined in the Local Solid
4 Waste Disposal Act, shall prepare and distribute to the
5 Agency, in April of each year, a report that details spending
6 plans for monies collected in accordance with this subsection.
7 The report will at a minimum include the following:

8 (1) The total monies collected pursuant to this
9 subsection.

10 (2) The most current balance of monies collected
11 pursuant to this subsection.

12 (3) An itemized accounting of all monies expended for
13 the previous year pursuant to this subsection.

14 (4) An estimation of monies to be collected for the
15 following 3 years pursuant to this subsection.

16 (5) A narrative detailing the general direction and
17 scope of future expenditures for one, 2 and 3 years.

18 The exemptions granted under Sections 22.16 and 22.16a,
19 and under subsection (k) of this Section, shall be applicable
20 to any fee, tax or surcharge imposed under this subsection
21 (j); except that the fee, tax or surcharge authorized to be
22 imposed under this subsection (j) may be made applicable by a
23 unit of local government to the permanent disposal of solid
24 waste after December 31, 1986, under any contract lawfully
25 executed before June 1, 1986 under which more than 150,000
26 cubic yards (or 50,000 tons) of solid waste is to be

1 permanently disposed of, even though the waste is exempt from
2 the fee imposed by the State under subsection (b) of this
3 Section pursuant to an exemption granted under Section 22.16.

4 (k) ~~The~~ In accordance with the findings and purposes of
5 ~~the Illinois Solid Waste Management Act, beginning January 1,~~
6 ~~1989~~ the fee under subsection (b) ~~and the fee, tax or surcharge~~
7 ~~under subsection (j)~~ shall not apply to:

8 (1) waste which is hazardous waste;

9 (2) waste which is pollution control waste;

10 (3) waste from recycling, reclamation or reuse
11 processes which have been approved by the Agency as being
12 designed to remove any contaminant from wastes so as to
13 render such wastes reusable, provided that the process
14 renders at least 50% of the waste reusable;

15 (4) non-hazardous solid waste that is received at a
16 sanitary landfill and composted or recycled through a
17 process permitted by the Agency; ~~or~~

18 (5) any landfill which is permitted by the Agency to
19 receive only demolition or construction debris or
20 landscape waste; or.

21 (6) beginning January 1, 2022, waste from a facility
22 operating under Section 22.38 that is processed for use as
23 a product at a landfill; however, the exemption under this
24 paragraph (6) may not be claimed on more than 18% of the
25 total general construction and demolition debris accepted
26 by the facility during each calendar quarter. All

1 remaining waste from the facility shall be subject to 50%
2 of the fee under subsection (b).

3 (1) The fee, tax, or surcharge under subsection (j) shall
4 not apply to:

5 (1) waste that is hazardous waste;

6 (2) waste that is pollution control waste;

7 (3) waste from a recycling, reclamation, or reuse
8 process that has been approved by the Agency as being
9 designed to remove any contaminant from waste so as to
10 render such waste reusable, provided that the process
11 renders at least 50% of the waste reusable;

12 (4) non-hazardous solid waste that is received at a
13 sanitary landfill and composted or recycled through a
14 process permitted by the Agency;

15 (5) any landfill that is permitted by the Agency to
16 receive only demolition or construction debris or
17 landscape waste; or

18 (6) waste from a facility operating under Section
19 22.38.

20 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;
21 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
22 8-14-18; 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

23 (415 ILCS 5/22.38)

24 Sec. 22.38. Construction or demolition debris recovery
25 facilities. ~~Facilities accepting exclusively general~~

1 ~~construction or demolition debris for transfer, storage, or~~
2 ~~treatment.~~

3 (a) Construction or demolition debris recovery facilities
4 ~~Facilities accepting exclusively general construction or~~
5 ~~demolition debris for transfer, storage, or treatment~~ shall be
6 subject to local zoning, ordinance, and land use requirements.
7 Those facilities shall be located in accordance with local
8 zoning requirements or, in the absence of local zoning
9 requirements, shall be located so that no part of the facility
10 boundary is closer than 1,320 feet from the nearest property
11 zoned for primarily residential use.

12 (b) An owner or operator of a construction or demolition
13 debris recovery facility ~~accepting exclusively general~~
14 ~~construction or demolition debris for transfer, storage, or~~
15 ~~treatment~~ shall:

16 (1) Within 48 hours after receipt of the general
17 construction or demolition debris at the facility:~~7~~

18 (A) sort the general construction or demolition
19 debris to separate the recyclable general construction
20 or demolition debris, ~~recovered wood that is processed~~
21 ~~for use as fuel,~~ and general construction or
22 demolition debris that is processed for use as a
23 product at a landfill from the non-recyclable general
24 construction or demolition debris that is to be
25 disposed of or discarded; and;

26 (B) process the recyclable general construction or

1 demolition debris and general construction or
2 demolition debris that is processed for use as a
3 product at a landfill.

4 (2) Transport off site for disposal, in accordance
5 with all applicable federal, State, and local requirements
6 within 72 hours after its receipt at the facility, all
7 non-usable or non-recyclable general construction or
8 demolition debris that is not recyclable general
9 construction or demolition debris, ~~recovered wood that is~~
10 ~~processed for use as fuel,~~ or general construction or
11 demolition debris that is processed for use as a product
12 at a landfill.

13 (3) Ensure ~~Limit the percentage of incoming~~
14 ~~non recyclable general construction or demolition debris~~
15 ~~to 25% or less of the total incoming general construction~~
16 ~~or demolition debris,~~ so that 35% ~~75%~~ or more of the
17 general construction or demolition debris accepted, as
18 calculated monthly on a rolling 12-month average, consists
19 of recyclable general construction or demolition debris,
20 ~~recovered wood that is processed for use as fuel, or~~
21 ~~general construction or demolition debris that is~~
22 ~~processed for use at a landfill except that general~~
23 ~~construction or demolition debris processed for use at a~~
24 ~~landfill shall not exceed 35% of the general construction~~
25 ~~or demolition debris accepted on a rolling 12 month~~
26 ~~average basis.~~ The percentage ~~percentages~~ in this

1 paragraph (3) ~~of subsection (b)~~ shall be calculated by
2 weight, using scales located at the facility that are
3 certified under the Weights and Measures Act.

4 (4) Up to ~~Within~~ 6 months after its receipt at the
5 facility, transport:

6 (A) all non-putrescible recyclable general
7 construction or demolition debris for recycling or
8 disposal; and

9 (B) all non-putrescible general construction or
10 demolition debris that is transported ~~processed for~~
11 ~~use at a landfill~~ to a MSWLF unit for use as a product
12 or disposal.

13 (5) Within 45 days after its receipt at the facility,
14 transport:

15 (A) all putrescible or combustible recyclable
16 general construction or demolition debris (excluding
17 recovered wood that is processed for use as fuel) for
18 recycling or disposal;

19 (B) all recovered wood that is processed for use
20 as fuel to an intermediate processing facility for
21 sizing, to a combustion facility for use as fuel, or to
22 a disposal facility; and

23 (C) all putrescible general construction or
24 demolition debris that is transported to ~~processed for~~
25 ~~use at a landfill~~ to a MSWLF unit for use as a product
26 or disposal.

1 (6) Employ tagging and recordkeeping procedures to (i)
2 demonstrate compliance with this Section and (ii) identify
3 the source and transporter of material accepted by the
4 facility. Records must be kept for a minimum of 3 years and
5 shall include, but shall not be limited to, information
6 regarding the total quantity of general construction or
7 demolition debris accepted, the total quantity of
8 recyclable general construction or demolition debris
9 transported from the facility, and the facility's
10 compliance with paragraphs (3) and (16) of this subsection
11 (b).

12 (7) Control odor, noise, combustion of materials,
13 disease vectors, dust, and litter.

14 (8) Control, manage, and dispose of any storm water
15 runoff and leachate generated at the facility in
16 accordance with applicable federal, State, and local
17 requirements.

18 (9) Control access to the facility.

19 (10) Comply with all applicable federal, State, or
20 local requirements for the handling, storage,
21 transportation, or disposal of asbestos-containing
22 material or other material brought to ~~accepted at~~ the
23 facility that is not general construction or demolition
24 debris.

25 (11) Prior to August 24, 2009 (the effective date of
26 Public Act 96-611), submit to the Agency at least 30 days

1 prior to the initial acceptance of general construction or
2 demolition debris at the facility, on forms provided by
3 the Agency, the following information:

4 (A) the name, address, and telephone number of
5 both the facility owner and operator;

6 (B) the street address and location of the
7 facility;

8 (C) a description of facility operations;

9 (D) a description of the tagging and recordkeeping
10 procedures the facility will employ to (i) demonstrate
11 compliance with this Section and (ii) identify the
12 source and transporter of any material accepted by the
13 facility;

14 (E) the name and location of the disposal sites to
15 be used for the disposal of any general construction
16 or demolition debris received at the facility that
17 must be disposed of;

18 (F) the name and location of an individual,
19 facility, or business to which recyclable materials
20 will be transported;

21 (G) the name and location of intermediate
22 processing facilities or combustion facilities to
23 which recovered wood that is processed for use as fuel
24 will be transported; and

25 (H) other information as specified on the form
26 provided by the Agency.

1 (12) On or after August 24, 2009 (the effective date
2 of Public Act 96-611), obtain a permit issued by the
3 Agency prior to the initial acceptance of general
4 construction or demolition debris at the facility.

5 When any of the information contained or processes
6 described in the initial notification form submitted to
7 the Agency under paragraph (11) of subsection (b) of this
8 Section changes, the owner and operator shall submit an
9 updated form within 14 days of the change.

10 (13) On or before April 15, 2022, and on or before each
11 April 15, July 15, October 15, and January 15 thereafter,
12 provide a report to the Agency, on forms provided by the
13 Agency, that includes the following:

14 (A) The total quantity of general construction or
15 demolition debris accepted at the facility during the
16 preceding calendar quarter, in tons or cubic yards.

17 (B) The total quantity of recyclable general
18 construction or demolition debris transported from the
19 facility during the preceding calendar quarter, in
20 tons or cubic yards.

21 (C) The total quantity of recyclable general
22 construction or demolition debris transported to a
23 facility operating under Section 22.51.

24 (D) The facility's compliance with paragraph (3)
25 of this subsection (b).

26 (14) Not accept waste other than general construction

1 or demolition debris.

2 (15) Use best practices to remove gypsum wallboard
3 from other general construction or demolition debris to
4 the greatest extent possible so that prior to any
5 mechanical processing of the general construction or
6 demolition debris load such material can be recycled and
7 removed from fine screen material to the greatest extent
8 possible.

9 (16) Test fine screened material for sulfur as
10 approved in a permit issued by the Agency.

11 (17) Limit the percentage of general construction or
12 demolition debris that is transported to a facility
13 operating under Section 22.51 to no more than 5% of the
14 general construction or demolition debris accepted on a
15 rolling 12-month average basis. The percentage in this
16 paragraph (17) shall be calculated by weight, using scales
17 located at the facility that are certified under the
18 Weights and Measures Act.

19 (18) Not transport fine screened material to a
20 facility operating under Section 22.51.

21 (c) For purposes of this Section, the term "recyclable
22 general construction or demolition debris" means (i) general
23 construction or demolition debris that has been rendered
24 reusable and is reused or that would otherwise be disposed of
25 or discarded but is collected, separated, or processed and
26 returned to the economic mainstream in the form of raw

1 materials or products or (ii) recovered wood that is processed
2 for use as fuel. "Recyclable general construction or
3 demolition debris" does not include (i) general construction
4 or demolition debris other than recovered wood that is
5 processed for use as fuel, incinerated, burned, buried, or
6 otherwise used as fill material or (ii) general construction
7 or demolition debris that is processed for use as a product at
8 a landfill.

9 (d) For purposes of this Section, "construction or
10 demolition debris recovery facility" means a facility that
11 accepts exclusively general construction or demolition debris
12 to sort, separate, and process it to recover material for
13 recycling, reclamation, or reuse ~~"treatment" means processing~~
14 ~~designed to alter the physical nature of the general~~
15 ~~construction or demolition debris, including but not limited~~
16 ~~to size reduction, crushing, grinding, or homogenization, but~~
17 ~~does not include processing designed to change the chemical~~
18 ~~nature of the general construction or demolition debris.~~

19 (e) For purposes of this Section, "recovered wood that is
20 processed for use as fuel" means wood that has been salvaged
21 from general construction or demolition debris and processed
22 for use as fuel, as authorized by the applicable state or
23 federal environmental regulatory authority, and supplied only
24 to intermediate processing facilities for sizing, or to
25 combustion facilities for use as fuel, that have obtained all
26 necessary waste management and air permits for handling and

1 combustion of the fuel.

2 (f) For purposes of this Section, "gypsum wallboard" means
3 a panel, also known as drywall, with a gypsum core and faced
4 with a heavy paper or other material on both sides
5 ~~"non recyclable general construction or demolition debris"~~
6 ~~does not include "recovered wood that is processed for use as~~
7 ~~fuel" or general construction or demolition debris that is~~
8 ~~processed for use at a landfill.~~

9 (g) Recyclable general construction or demolition debris,
10 ~~recovered wood that is processed for use as fuel, and general~~
11 ~~construction or demolition debris that is processed for use at~~
12 ~~a landfill~~ shall not be considered as meeting the 35% ~~75%~~
13 diversion requirement for purposes of subdivision (b)(3) of
14 this Section if sent for disposal at the end of the applicable
15 retention period.

16 (h) For the purposes of this Section, "general
17 construction or demolition debris that is processed for use as
18 a product at a landfill" means general construction or
19 demolition debris that is processed for use as a product at a
20 MSWLF unit as alternative daily cover, road building material,
21 or drainage structure building material in accordance with the
22 MSWLF unit's waste disposal permit issued by the Agency under
23 this Act. "General construction or demolition debris that is
24 processed for use as a product at a landfill" may include:

- 25 (1) bricks, concrete, or other masonry materials;
26 (2) rock;

1 (3) wood;

2 (4) asphalt pavement; and

3 (5) fine screened material.

4 (i) For purposes of the 35% ~~75%~~ diversion requirement
5 under subdivision (b) (3) of this Section, owners and operators
6 of construction or demolition debris recovery facilities
7 ~~accepting exclusively general construction or demolition~~
8 ~~debris for transfer, storage, or treatment~~ may multiply by 2
9 the amount of accepted asphalt roofing shingles that are
10 transferred to a facility for recycling in accordance with a
11 beneficial use determination issued under Section 22.54 of
12 this Act. The owner or operator of the construction or
13 demolition debris recovery facility ~~accepting exclusively~~
14 ~~general construction or demolition debris for transfer,~~
15 ~~storage, or treatment~~ must maintain receipts from the shingle
16 recycling facility that document the amounts of asphalt
17 roofing shingles transferred for recycling in accordance with
18 the beneficial use determination. All receipts must be
19 maintained for a minimum of 3 years and must be made available
20 to the Agency for inspection and copying during normal
21 business hours.

22 (j) For purposes of this Section, "fine screened material"
23 means fine screened material extracted from the processing of
24 general construction or demolition debris, consisting
25 primarily of soil, wood, concrete, drywall, rock, and other
26 miscellaneous material particles, as long as the fine screened

1 material does not contain more than 5% sulfur by weight.

2 (k) The prohibitions and requirements specified in
3 paragraphs (3), (6), (13), and (14) of subsection (b) shall be
4 enforceable by the Agency either by administrative citation
5 under Section 31.1 or as otherwise provided under this Act.

6 (l) A unit of local government, as defined in Section 2 of
7 the Local Solid Waste Disposal Act, in which a construction or
8 demolition debris recovery facility is located may establish a
9 fee, tax, or surcharge with regard to the transfer of solid
10 waste to a landfill from such a facility. All fees, taxes, and
11 surcharges collected under this subsection shall be utilized
12 for solid waste management, sustainability, inspection and
13 enforcement activities, and other activities consistent with
14 the Illinois Solid Waste Management Act, the Solid Waste
15 Planning and Recycling Act, and the Local Solid Waste Disposal
16 Act. However, the total fee, tax, or surcharge imposed by a
17 unit of local government shall not exceed \$1.27 per ton of
18 solid waste taken to a landfill. No single unit of local
19 government may impose a fee, tax, or surcharge authorized
20 under this subsection in a total excess of \$0.64 per ton.
21 General construction and demolition debris recovery facilities
22 shall be responsible for collecting any fee, tax, or surcharge
23 imposed by units of local government and remitting the fee,
24 tax, or surcharge to the applicable unit of local government
25 on a calendar quarterly basis. The Agency shall prepare forms
26 to be used to track and monitor the solid waste taken to

1 landfills for disposal and to calculate the payment of any
2 fee, tax, or surcharge paid to a unit of local government.

3 Any fee, tax, or surcharge collected under this subsection
4 shall be placed by the unit of local government in a separate
5 fund, and the interest received on moneys in the fund shall be
6 credited to the fund. The moneys in the fund may be accumulated
7 over a period of years to be expended in accordance with this
8 subsection.

9 A unit of local government shall prepare and distribute to
10 the Agency, in April each year, a report that details the
11 spending plan for moneys collected in accordance with this
12 subsection. The report shall, at a minimum, include the
13 following:

14 (1) The total moneys collection pursuant to this
15 subsection.

16 (2) The most current balance of moneys collected
17 pursuant to this subsection.

18 (3) An itemized accounting of all moneys expended for
19 the previous year pursuant to this subsection.

20 (4) An estimation of moneys to be collected for the
21 following 3 years pursuant to this subsection.

22 (5) A narrative detailing the general direction and
23 scope of future expenditures pursuant to this subsection.

24 The fee, tax, or surcharge under this subsection shall not
25 apply to the portion of waste from a construction or
26 demolition debris recovery facility that is processed for use

1 as a product at a landfill.

2 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;
3 96-1000, eff. 7-2-10; 97-230, eff. 7-28-11; 97-314, eff.
4 1-1-12; 97-813, eff. 7-13-12.)

5 (415 ILCS 5/22.44)

6 Sec. 22.44. Subtitle D management fees.

7 (a) There is created within the State treasury a special
8 fund to be known as the "Subtitle D Management Fund"
9 constituted from the fees collected by the State under this
10 Section.

11 (b) The Agency shall assess and collect a fee in the amount
12 set forth in this subsection from the owner or operator of each
13 sanitary landfill permitted or required to be permitted by the
14 Agency to dispose of solid waste if the sanitary landfill is
15 located off the site where the waste was produced and if the
16 sanitary landfill is owned, controlled, and operated by a
17 person other than the generator of the waste. The Agency shall
18 deposit all fees collected under this subsection into the
19 Subtitle D Management Fund. If a site is contiguous to one or
20 more landfills owned or operated by the same person, the
21 volumes permanently disposed of by each landfill shall be
22 combined for purposes of determining the fee under this
23 subsection.

24 (1) If more than 150,000 cubic yards of non-hazardous
25 solid waste is permanently disposed of at a site in a

1 calendar year, the owner or operator shall either pay a
2 fee of 10.1 cents per cubic yard or, alternatively, the
3 owner or operator may weigh the quantity of the solid
4 waste permanently disposed of with a device for which
5 certification has been obtained under the Weights and
6 Measures Act and pay a fee of 22 cents per ton of waste
7 permanently disposed of.

8 (2) If more than 100,000 cubic yards, but not more
9 than 150,000 cubic yards, of non-hazardous waste is
10 permanently disposed of at a site in a calendar year, the
11 owner or operator shall pay a fee of \$7,020.

12 (3) If more than 50,000 cubic yards, but not more than
13 100,000 cubic yards, of non-hazardous solid waste is
14 permanently disposed of at a site in a calendar year, the
15 owner or operator shall pay a fee of \$3,120.

16 (4) If more than 10,000 cubic yards, but not more than
17 50,000 cubic yards, of non-hazardous solid waste is
18 permanently disposed of at a site in a calendar year, the
19 owner or operator shall pay a fee of \$975.

20 (5) If not more than 10,000 cubic yards of
21 non-hazardous solid waste is permanently disposed of at a
22 site in a calendar year, the owner or operator shall pay a
23 fee of \$210.

24 (c) The fee under subsection (b) shall not apply to any of
25 the following:

26 (1) Hazardous waste.

1 (2) Pollution control waste.

2 (3) Waste from recycling, reclamation, or reuse
3 processes that have been approved by the Agency as being
4 designed to remove any contaminant from wastes so as to
5 render the wastes reusable, provided that the process
6 renders at least 50% of the waste reusable.

7 (4) Non-hazardous solid waste that is received at a
8 sanitary landfill and composted or recycled through a
9 process permitted by the Agency.

10 (5) Any landfill that is permitted by the Agency to
11 receive only demolition or construction debris or
12 landscape waste.

13 (6) On and after January 1, 2022, waste from a
14 facility operating under Section 22.38 that is processed
15 for use as a product at a landfill. However, the exemption
16 under this paragraph (6) may not be claimed on more than
17 18% of the total general construction and demolition
18 debris accepted by the facility during each calendar
19 quarter. All remaining waste from the facility shall be
20 subject to 50% of the fee under subsection (b).

21 (d) The Agency shall establish rules relating to the
22 collection of the fees authorized by this Section. These rules
23 shall include, but not be limited to the following:

24 (1) Necessary records identifying the quantities of
25 solid waste received or disposed.

26 (2) The form and submission of reports to accompany

1 the payment of fees to the Agency.

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

5 (4) Procedures setting forth criteria establishing
6 when an owner or operator may measure by weight or volume
7 during any given quarter or other fee payment period.

8 (e) Fees collected under this Section shall be in addition
9 to any other fees collected under any other Section.

10 (f) The Agency shall not refund any fee paid to it under
11 this Section.

12 (g) Pursuant to appropriation, all moneys in the Subtitle
13 D Management Fund shall be used by the Agency to administer the
14 United States Environmental Protection Agency's Subtitle D
15 Program provided in Sections 4004 and 4010 of the Resource
16 Conservation and Recovery Act of 1976 (P.L. 94-580) as it
17 relates to a municipal solid waste landfill program in
18 Illinois and to fund a delegation of inspecting,
19 investigating, and enforcement functions, within the
20 municipality only, pursuant to subsection (r) of Section 4 of
21 this Act to a municipality having a population of more than
22 1,000,000 inhabitants. The Agency shall execute a delegation
23 agreement pursuant to subsection (r) of Section 4 of this Act
24 with a municipality having a population of more than 1,000,000
25 inhabitants within 90 days of September 13, 1993 and shall on
26 an annual basis distribute from the Subtitle D Management Fund

1 to that municipality no less than \$150,000. Pursuant to
2 appropriation, moneys in the Subtitle D Management Fund may
3 also be used by the Agency for activities conducted under
4 Section 22.15a of this Act.

5 (Source: P.A. 93-32, eff. 7-1-03; 94-272, eff. 7-19-05.)".